

COLEMAN & BALOGH LLP
ETHAN A. BALOGH, No. 172224
235 Montgomery Street, Suite 1070
San Francisco, CA 94104
Telephone: 415.391.0440
Facsimile: 415.373.3901
eab@colemanbalogh.com

Attorneys for Defendant
RANDALL STEVEN CURTIS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

“AMY,” *et al.*,

Plaintiffs,

RANDALL STEVEN CURTIS,

Defendant.

Case No. 19 Cv 2184 PJH

SUPPLEMENTAL DECLARATION OF
ETHAN A. BALOGH IN RESPONSE TO
SUPPLEMENTAL DECLARATION OF
CAROL HEPBURN (ECF 112) AND TO
INCLUDE EXHIBIT INADVERTENTLY
OMITTED FROM ECF 107-1 AND IN
SUPPORT OF DEFENDANT’S RESPONSE
(ECF 108-1) TO PLAINTIFFS’ MOTION TO
STRIKE

Before the Honorable Phyllis J. Hamilton
Chief United States District Judge

1 I, ETHAN A. BALOGH, declare under penalty of perjury as follows:

2 1. I am a partner at the law firm of Coleman & Balogh LLP, am admitted to practice
3 before this Court, and represent Defendant Randall Curtis in this case. I state the following on
4 personal knowledge, and if called as a witness, could competently testify to the facts presented in
5 this declaration.
6

7 2. On September 10, I filed Defendant's response, supported by my declaration, to
8 Plaintiffs' motion to strike affirmative defenses. Therein, I declared I had attached "as Exhibit D
9 a true and correct copy of Plaintiffs' Rule 26 disclosures, highlighted in the relevant part[.]"
10 Upon later review, I realized I had not attached Exhibit D. I correct that error now, and attach as
11 Exhibit D to this declaration a true and correct copy of Plaintiffs' Rule 26 disclosures.
12

13 3. In addition, on September 17, Plaintiffs' counsel filed a declaration concurrently with
14 Plaintiffs' reply brief, in support of Plaintiffs' motion. *See* ECF 111 and 111-1. Thereafter, on
15 September 18, Plaintiffs' counsel filed a Supplemental Declaration on the following basis:

16 I make this declaration to clarify language in Plaintiffs' Reply brief
17 (dkt. #111) at p.6 ll.13-19 which I have been informed may be
18 interpreted in a manner at odds with what was intended to be
communicated factually.

19 ECF 112 ¶ 3. Defendant believes it is appropriate to address that clarification and to present to
20 the Court additional facts when addressing this issue.

21 4. On September 17, after my review of Plaintiffs' reply brief and supporting materials, I
22 provided the same to the prosecutors who had prosecuted the criminal case: Assistant United
23 States Attorneys Julie Garcia and Shailika Kotiya. From my review of the underlying emails, I
24 believed that Plaintiffs' had not represented the facts regarding the disclosure of claimant's
25 identities in the criminal case, and I was further concerned that Plaintiffs had focused on James
26 Marsh's communications in June 2019 to reflect the discussions he had with the prosecutors in
27
28

1 June 2018, one year earlier. I spoke with AUSA Garcia the next day, September 18. During that
2 call, AUSA Garcia informed me that the Plaintiffs' presentation was not accurate, and she
3 informed me that James Marsh had sent an email to her office accusing the prosecution team of
4 misconduct, and that this issue of Mr. Marsh's allegations had been escalated to the United States
5 Attorney himself. When I told her I was unaware of that email, we agree that I would furnish the
6 United States a copy of Plaintiffs' discovery production of correspondence with the USAO
7 regarding the Curtis prosecution and this case. After I furnished those materials to counsel for
8 the United States, on September 22, AUSA Garcia wrote and informed me, in the pertinent part,
9 as follows:
10

11 You are correct that, based on what you sent over, it does not
12 appear that the plaintiffs have produced all of their correspondence
13 with the government. The easiest way forward is likely for you to
14 follow up with the plaintiffs about producing all emails in the chain
 with subject line "RE: Randall Curtis – restitution issues." We
 believe there are two missing emails.

15 Thereafter, I forwarded AUSA Garcia's email to Plaintiffs' counsel to obtain the two missing
16 emails, and any other withheld materials. Considering that AUSA Garcia was able to remember
17 one of these emails off the top of her head, it is concerning that Plaintiffs' never produced the
18 missing emails, especially when Plaintiffs' counsel had previously declared (and repeatedly so)
19 that they had produced all responsive documents save those identified as withheld (and the bases
20 for their withholding) in Plaintiffs' written discovery responses. As of this writing, Plaintiffs'
21 have not provided the missing materials. (I believe it was communications with AUSA Garcia,
22 and her upset with Plaintiffs' representations, that led Ms. Hepburn to file her supplemental
23 declaration walking back Plaintiffs' prior presentation.)
24
25

26 5. To ensure a complete record, I enclose the correspondence between Plaintiffs and the
27
28

1 prosecuting attorneys hereto as Exhibit E. I believe this a true and correct copy of all such
 2 correspondence produced in discovery, with the exception of confidential sanitized photographs
 3 Plaintiffs also provided, but which don't bear on this issue of disclosure. While I believe this
 4 exhibit is otherwise complete, if it is not, I respectfully ask Plaintiffs to identify any missing
 5 correspondence to ensure the Court has a complete record of them. (I have used the production
 6 from "Lily" aka "Vicky" for these purposes.) As the Court shall see, the Government informed
 7 the Plaintiffs of the disclosure issue in June 2018 concurrently with the entry of the Protective
 8 Order in the criminal case, *see* Ex. E at Lily000622-630. (Plaintiffs submitted to the Court, from
 9 this, production Lily000603, 609-11, 616-21 & 625 at ECF 111-2. I believe the complete
 10 production of these materials, and especially the pages omitted by Plaintiffs, are important for the
 11 Court to assess when resolving Plaintiffs' motion.) I further believe the Court should address the
 12 missing emails on this every subject, as noted by AUSA Garcia but which Plaintiffs continue to
 13 withhold.

14
 15
 16 6. In addition, and relevant to the unjust enrichment issue particularly, I attach hereto as
 17 Exhibit F a true and correct copy of Carol Hepburn's January 24, 2018 to defense counsel in the
 18 criminal case. Therein, Plaintiffs boasted as follows:

19 We typically receive between \$150,000 and \$180,000 *for each*
 20 *client* in negotiated settlements in these cases[.]

21 Plaintiffs' have identified at least 13 other section 2255 materials they have brought for Plaintiffs
 22 in recent years, *see* ECF 96-2, Exs. 1-15 at RFP Response No. 29.

23 I declare that the foregoing is true and correct under penalty of perjury under the laws of
 24 the United States.

25
 26
 27 Dated: September 25, 2020

/s/ E A Balogh
 ETHAN A. BALOGH

EXHIBIT D

John A. Kawai, CSBN 260120
CARPENTER, ZUCKERMAN & ROWLEY
407 Bryant Circle, Suite F,
Ojai, CA 93023
Tel: (805) 272-4001
Fax: (805) 719-6858
Email: team3@czrlaw.com
Of Attorneys for Plaintiffs

Deborah A. Bianco, Pro Hac Vice
14535 Bel-Red Road, #201
Bellevue, WA 98007
(425) 747-4500
Email: deb@debbiancolaw.com
Attorney for Plaintiffs Maureen, Pia,
And Mya

Carol L. Hepburn, Pro Hac Vice
200 First Avenue West, #550
Seattle, WA 98119
Tel: 206) 957-7272
Fax: (206) 957-7273
Email: carol@hepburnlaw.net
Attorney for Plaintiffs Lily, Sarah,
Skylar, Savannah, Sally, Sierra, Violet,
Amy, Erika, Tori, Jenny, and Jessica

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

"AMY," "ERIKA," JANE SMITH, as)	
next of friend for "TORI," minor,)	Case Number: 3:19-cv-02184-PJH
"JENNY," and "JESSICA," "LILY,")	
"SARAH," JOHN DOE as court)	PLAINTIFFS' RULE 26(a)(1)
appointed conservator for "SIERRA,")	REQUIRED INITIAL
and "SALLY," minors, JANE DOE as)	DISCLOSURES
court appointed conservator for)	
"SKYLAR" and "SAVANNAH,")	
minors, "MAUREEN," WILLIAM L.E)	
DUSSAULT as Guardian ad Litem for)	
"VIOLET," minor, JANE ROE, as next)	
of friend for "PIA," and "MYA,")	
)	

minors,)
)
Plaintiffs,)
)
v.)
)
RANDALL STEVEN CURTIS,)
)
Defendant.)

Plaintiffs Amy, Erika, Jane Smith as next of friend for Tori, minor, Jenny, Jessica, Lily, Sarah, John Doe as court appointed conservator for Sierra and Sally, minors, Jane Doe as court appointed conservator of Skylar and Savannah, minors, Maureen, William L.E. Dussault as Guardian ad Litem for Violet, minor, Jane Roe, as next of friend for Pia and Mya, (collectively as “Plaintiffs”) make the following initial disclosures as required by Fed. R. Civ. P. 26(a).

These disclosures are based upon, and therefore limited by, records and information in existence, presently recollected, and thus far discovered in the course of preparing these disclosures. Plaintiffs reserve the right to supplement and/or amend these disclosures due to inadvertent errors or omissions or if additional or more accurate information becomes available.

A. NAME, ADDRESS, AND TELEPHONE NUMBER OF EACH INDIVIDUAL LIKELY TO HAVE DISCOVERABLE INFORMATION (Fed. R. Civ. P. 26(a)(1)(A)(i))

The following person(s) are likely to have discoverable information that the Plaintiffs may use to support their claims or defenses:

Shailika Shah Kotiya
United States Attorney's Office
Northern District of California
450 Golden Gate Avenue
11th Floor
San Francisco, CA 94102
415-436-7443

Ms. Kotiya may have knowledge of the facts of defendant's offense(s), of the investigation of the offense(s), the criminal prosecution, the discovery conducted and/or provided to defendant during the course of the prosecution, which forms the basis of this case, and the Defendant's subsequent conviction and sentence.

Law enforcement agents involved in the investigation and prosecution of the Defendant which, on information and belief, include those from the Customs and Border Protection agents, Homeland Security agents, as well as related and affiliated Federal Bureau of Investigation officers and special agents.

These law enforcement agents may have knowledge of facts of the criminal offenses and investigation of those offenses which underlie this civil matter.

Shawn Halbert

Law Offices of Shawn Halbert
214 Duboce Avenue
San Francisco, CA. 94103
Phone: 415-703-0993

And

Ethan A. Balogh

Coleman & Balough, LLP
235 Montgomery Street, Suite 1070
San Francisco, CA. 94104
Phone: 415-391-0440

Mr. Halbert and Mr. Balogh may have knowledge of the facts of the Defendant's offense(s), the investigation of the offense(s), the criminal prosecution, and the discovery provided to the Defendant during the course of the prosecution which forms the predicate criminal conduct for this case.

Defendant Randall Steven Curtis

Register No.: 24061-111
FCI Beaumont (Low)
PO Box 26025
Beaumont, TX. 77720-6025

The Defendant has knowledge of the facts and circumstances of his own conduct and criminal offense(s), the investigation of the offense(s), the criminal prosecution, the discovery conducted and provided to him and his attorney during the course of the prosecution which forms the basis of this case. The Defendant

also has knowledge of his assets and resources available to satisfy all or part of any judgment.

Kevin J. Laws

K&S Teaching and Consulting LLC
10816 Crest Street
Fairfax, VA 22030
Phone: 703-473-9499

Based on his extensive education, training, and experience concerning the investigation of child sex abuse image exploitation crimes, Mr. Laws is familiar with the images/videos discovered during the investigation of the Defendant's predicate criminal activity which forms the basis for this case, and can identify the individual Plaintiffs depicted in the images/videos discovered during the investigation of the Defendant's predicate criminal acts.

Plaintiffs reserve the right to supplement and/or amend this list as additional discovery, documents, and information are produced by the parties, and as discovery proceeds in this case.

**B. DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND TANGIBLE THINGS IN ITS POSSESSION, CUSTODY, OR CONTROL
(Fed. R. Civ. P. 26(a)(1)(A)(ii))**

The Plaintiffs describe the following documents, electronically stored information, and tangible things in their possession, custody, or control which may be used to support their claims:

- 1) All documents filed in *United States v. Randall Steven Curtis*, United States District Court, Northern District of California, San Francisco, Case 3:16-cr-00510-SI-1, including but not limited to:
 - a) Indictment;
 - b) Criminal Minutes Change of Plea Proceedings;
 - c) Stipulation Re Restitution to Claimants Other Than “CC”;
 - d) Government’s Sentencing Memorandum including Exhibits 1-11;
 - e) Amended Judgment in a Criminal Case as to Randall Steven Curtis;
 - f) Transcript of Proceedings Regarding Plea Agreement
 - g) Transcript of Sentencing Hearing.
- 2) Notices received from the Department of Justice Victim Notice System concerning the Defendant’s prosecution.
- 3) Current Curriculum Vitae and testimony log of Kevin J. Laws.
- 4) Fee Schedule of Kevin J. Laws.

The Plaintiffs also plan on requesting the discovery received by the Defendant from the government in his criminal prosecution in *United States v. Randall Steven Curtis*, United States District Court, Northern District of California, Case No. 3:16-cr-00510-SI-1.

C. COMPUTATION OF DAMAGES
(Fed. R. Civ. P. 26(a)(1)(A)(iii))

The Plaintiffs provide the following computation of each category of damages:

- 1) Liquidated Damages – each Plaintiff is seeking liquidated damages of \$150,000 pursuant to 18 U.S.C. 2255.

- 2) Attorney Fees – Plaintiffs are seeking attorney fees pursuant to 18 U.S.C. 2255 in excess of \$10,000 subject to a final determination by the Court after trial.
- 3) Plaintiffs are seeking punitive damages pursuant to 18 U.S.C. 2255.

D. INSURANCE AGREEMENTS
(Fed. R. Civ. P. 26(a)(1)(A)(iv))

Plaintiffs request discovery of any insurance agreements, including excess and umbrella policies, under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Dated this 7th day of August, 2019.

/s/ John A. Kawai

John A. Kawai, CSBN 260120
CARPENTER, ZUCKERMAN, &
ROWLEY
407 Bryant Circle, Suite F
Ojai, CA 93023
Phone: 805-272-4001
Email: jk@czrlaw.com
Attorney for Plaintiffs

/s/ Carol L. Hepburn

Carol L. Hepburn, *Pro Hac Vice*
CAROL L. HEPBURN, P.S.
200 First Ave. West, Suite 550
Seattle, WA 98119
Phone: 206-957-7272
Email: carol@hepburnlaw.net
Attorney for Plaintiffs Lily, Sarah, Skylar,
Savannah, Sally, Sierra, Violet, Amy, Erika,
Tori, Jenny and Jessica

/s/ Deborah A. Bianco

Deborah A. Bianco, *Pro Hac Vice*

DEBORAH A. BIANCO, PLLC

14535 Bel-Red Road, #201

Bellevue, WA 98007

Phone: 425-747-4500

Email: deb@debbiancolaw.com

Attorney for Maureen, Pia, and Mya

PROOF OF SERVICE

U.S. DISTRICT COURT- NORTHERN DISTRICT OF CALIFORNIA

I am employed in the County of Ventura, State of California. I am over the age of 18 and not a party to the within action. My business address is 407 Bryant Circle, Suite F, Ojai CA 93023.

On **August 7, 2019**, I served the foregoing document(s) described as **PLAINTIFFS' RULE 26(A)(1) REQUIRED INITIAL DISCLOSURES**, on all interested parties in this action as set forth on the attached service list as follows:

- ☒ **BY MAIL:** I placed a true copy of the above captioned documents in a sealed envelope addressed as shown above. I deposited such envelope in the mail at Beverly Hills, California. The envelope was mailed with postage thereon fully prepaid. I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.
- ☐ **BY OVERNIGHT MAIL:** By sealing the envelope and placing it for collection and overnight delivery in a box regularly maintained by an overnight delivery service with delivery fees paid or provided for in accordance with ordinary business practices.
- ☐ **BY PERSONAL SERVICE:** I caused such envelope to be delivered by hand to counsel for defendants.
- ☐ **BY ELECTRONIC TRANSFER/VIA FACSIMILE:** I caused all of the pages of the above-entitled document(s) to be sent to the recipients noted above via electronic transfer (FAX) at the respective telephone numbers indicated above.
- ☒ **BY ELECTRONIC SERVICE:** Pursuant to the agreement of the parties, I caused said document(s) to be delivered via electronic mail to the addressee(s) set forth on the attached service list.
- ☐ **STATE:** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- ☒ **FEDERAL:** I declare that I am employed in the office of the member of the bar of this court at whose direction the service was made.

Executed on **August 7, 2019**, at Ojai, California.



 ASHLEY DEATHERAGE

SERVICE LIST

Curtis, Randall Steven (CP)
19-cv-02184-SK

Deborah A. Bianco
14535 Bel-Red Road, #201
Bellevue, WA 98007
[Admitted Pro Hac Vice]

Attorneys for Plaintiffs, MAUREEN, PIA,
AND MYA
Telephone: (425) 747-4500
Email: deb@debbiancolaw.com

Carol L. Hepburn
200 First Avenue West, #550
Seattle, WA 98119
[Admitted Pro Hac Vice]

Attorneys for Plaintiffs, LILI, SARAH,
SKYLAR, SAVANNAH, SALLY,
SIERRA, VIOLET, AMY, ERIKA, TORI,
JENNY, AND JESSICA
Telephone: (206) 957-7272
Facsimile: (206) 957-7273
Email: carol@hepburnlaw.net

Ethan A. Balogh
COLEMAN & BALOUGH, LLP
235 Montgomery Street, Suite 1070
San Francisco, CA. 94104

Attorneys for Defendant, RANDALL
STEVEN CURTIS
Telephone: (415) 391-0440
Email: eab@colemanbalough.com

EXHIBIT E



From: Barfuss, Christina S Christina.S.Barfuss@ice.dhs.gov

Subject: RE: Gerard Jones and Randall Curtis

Date: October 10, 2019 at 11:33 AM

To: Carol Hepburn carol@hepburnlaw.net

Cc: Osborn, Meredith (USACAN) Meredith.Osborn@usdoj.gov, Michelle Sparks michelle@hepburnlaw.net, Paidipaty, Sailaja (USACAN) Sailaja.Paidipaty@usdoj.gov, Popper, Jason Jason.Popper@ice.dhs.gov, Kevin J. Laws K&S Teaching and Consulting knsteaching@gmail.com, James R. Marsh jamesmarsh@marsh.law

Hello Carol,

Please provide me a listing with the victims in the Curtis case that you need the images for. Thanks.

Christina Barfuss
c. 510-812-9650

From: Carol Hepburn <carol@hepburnlaw.net>

Sent: Sunday, September 22, 2019 9:02 PM

To: Barfuss, Christina S <Christina.S.Barfuss@ice.dhs.gov>

Cc: Osborn, Meredith (USACAN) <Meredith.Osborn@usdoj.gov>; Michelle Sparks <michelle@hepburnlaw.net>; Paidipaty, Sailaja (USACAN) <Sailaja.Paidipaty@usdoj.gov>; Popper, Jason <Jason.Popper@ice.dhs.gov>; Kevin J. Laws K&S Teaching and Consulting <knsteaching@gmail.com>; James R. Marsh <jamesmarsh@marsh.law>

Subject: Re: Gerard Jones and Randall Curtis

Hello Christina

Our representative for viewing the images is Kevin Laws, retired HIS agent, who is copied here. Also copied is James Marsh who has represented some of the victims for restitution purposes and has associated me for their civil suit in NDCA.

Kevin is located in the Fairfax VA area.

We are prioritizing the Curtis matter at the moment for processing. We look forward to getting the viewing arranged. Please keep me in the loop on any emails about the arrangements.

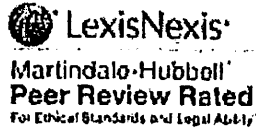
Thanks so much

Carol

CAROL L. HEPBURN
CAROL L. HEPBURN, P.S.
200 FIRST AVE WEST, SUITE 550
SEATTLE, WA 98119
(206)957-
7272

(206)957-7273 FAX

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From: "Barfuss, Christina S" <Christina.S.Barfuss@ice.dhs.gov>
Date: Wednesday, September 11, 2019 at 4:43 PM
To: Carol Hepburn <carol@hepburnlaw.net>
Cc: "Osborn, Meredith (USACAN)" <Meredith.Osborn@usdoj.gov>, Michelle Sparks <michelle@hepburnlaw.net>, "Paidipaty, Sailaja (USACAN)" <Sailaja.Paidipaty@usdoj.gov>, "Popper, Jason" <Jason.Popper@ice.dhs.gov>
Subject: RE: Gerard Jones—accessing images

Hi Carol,

I am arranging our office in Washington DC to assist your representative in viewing the images. I will be able to have this case (Gerard JONES) and Randall CURTIS available.

If you can give me your representative's name and phone number or e-mail, I'll have the contact in DC reach out to them to schedule an appointment in the next couple weeks.

Thank you for your patience in this process.

Christina Barfuss
Group Supervisor
Homeland Security Investigations
Cyber Crimes/Child Exploitation
Cyber Crimes Investigations Center
c- 510-812-9650

CAROL L. HEPBURN, P.S.

ATTORNEYS AT LAW

February 15, 2019

Shailika Shah Kotiya
Assistant United States Attorney
Maria Sunga
Victim Witness Specialist

Via email: shailika.kotiya@usdoj.gov
maria.sunga@usdoj.gov

Re: US v. Randall Steven Curtis
NDCA Case No.: 16-cr-510

Dear Ms. Kotiya and Ms. Sunga:

I'm writing on behalf of the victims in the Vicky, Marineland1, Jan_Socks (4 victims) Lighthouse1, At School and Sweet Sugar (3 victims) series which are represented by my firm and the Law Office of Deborah A. Bianco as well as the victims in the Jessica, Jenny and Pink Heart Sisters (2 victims) series represented by the Marsh Law Firm. You may know that I work together with the Marsh Law Firm on certain matters relating to the rights of victims of child pornography and this is one such matter. Katie Shipp of the Marsh Law Firm is copied on this letter and can confirm our joint work. We are contacting you to advise that these victims seek to invoke their rights under 18 USC §3509(m)(3) to inspect, view, and examine the images that constitute child pornography in this case. We anticipate sending a representative from our firm to make this inspection. We ask that the images be preserved in a manner that also preserves the chain of custody for evidentiary purposes and protects the victims' rights under this statute. Please give us notice of which law enforcement agency is in possession of the computer media containing the images if they are not held in your office, and provide us full contact information for the appropriate representative for that agency. While we are willing to contact the law enforcement agency to facilitate our inspection and examination, it is our position that this notice to you is sufficient to protect our clients' rights.

Thank you very much for all the work you do on behalf of these victims.

CAROL L. HEPBURN
Attorney at Law

Licensed in Washington
and Oregon

J. WILLIAM SAVAGE
Attorney at Law,
Of Counsel

Licensed in Washington
and Oregon

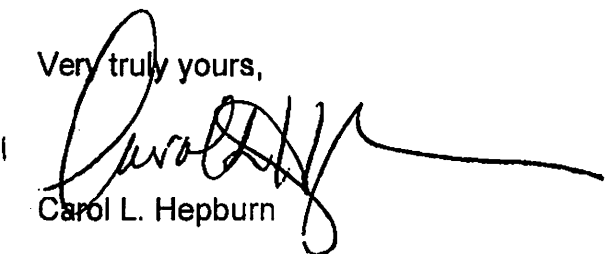
MICHELLE D. SPARKS
Paralegal

IN SEATTLE:
200 FIRST AVENUE WEST
SUITE 550
SEATTLE, WASHINGTON
98119
TELEPHONE:
(206) 957-7272
FACSIMILE:
(206) 957-7273

IN PORTLAND:
620 S.W. FIFTH AVENUE
SUITE 1125
PORTLAND, OREGON
97204
TELEPHONE:
(503) 222-0200
FACSIMILE:
(503) 248-0200

February 15, 2019
Page 2

Very truly yours,


Carol L. Hepburn

CLH:mds

Cc: Katie Shipp
Deborah Bianco



From: Carol Hepburn carol@hepburnlaw.net

Subject: Re: Gerard Jones and Randall Curtis

Date: October 11, 2019 at 8:23 AM

To: Barfuss, Christina S Christina.S.Barfuss@ice.dhs.gov

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Hi Christina

For Curtis we have the following series

Vicky
Marineland
Jan_Socks
Lighthouse
At School
Sweet Sugar
Misty
Jessica
Jenny
Pink Heart Sisters

For Jones we have

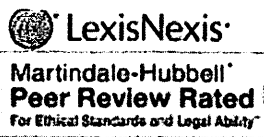
Vicky
Marineland
Jan_Socks
Lighthouse
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Sweet Sugar
Jessica
Jenny

Thanks very much

Carol

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Date: Thursday, October 10, 2019 at 11:33 AM
To: Carol Hepburn <carol@hepburnlaw.net>
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Subject: RE: Gerard Jones and Randall Curtis

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Cc: Osborn, Meredith (USACAN) <Meredith.Osborn@usdoj.gov>; Michelle Sparks <michelle@hepburnlaw.net>; Paidipaty, Sailaja (USACAN) <Sailaja.Paidipaty@usdoj.gov>; Popper, Jason <Jason.Popper@ice.dhs.gov>; Kevin J. Laws K&S Teaching and Consulting <knsteaching@gmail.com>; James R. Marsh <jamesmarsh@marsh.law>
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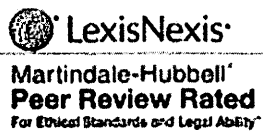
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(206)957-7273 FAX

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From: "Barfuss, Christina S" <Christina.S.Barfuss@ice.dhs.gov>
Date: Wednesday, September 11, 2019 at 4:43 PM
To: Carol Hepburn <carol@hepburnlaw.net>
Cc: "Osborn, Meredith (USACAN)" <Meredith.Osborn@usdoj.gov>, Michelle Sparks <michelle@hepburnlaw.net>, "Paidipaty, Sailaja (USACAN)" <Sailaja.Paidipaty@usdoj.gov>, "Popper, Jason" <Jason.Popper@ice.dhs.gov>
Subject: RE: Gerard Jones—accessing images

Hi Carol,

I am arranging our office in Washington DC to assist your representative in viewing the images. I will be able to have this case (Gerard JONES) and Randall CURTIS available. If you can give me your representative's name and phone number or e-mail, I'll have the contact in DC reach out to them to schedule an appointment in the next couple weeks.

Thank you for your patience in this process.

Christina Barfuss

Group Supervisor

Homeland Security Investigations

Cyber Crimes/Child Exploitation

Cyber Crimes Investigations Center

c- 510-812-9650



From: Michelle Sparks michelle@hepburnlaw.net
Subject: Re: Gerard Jones and Randall Curtis
Date: October 11, 2019 at 8:27 AM
To: Barfuss, Christina S Christina.S.Barfuss@ice.dhs.gov
Cc: Carol Hepburn carol@hepburnlaw.net, Osborn, Meredith (USACAN) Meredith.Osborn@usdoj.gov, Paidipaty, Sailaja (USACAN) Sailaja.Paidipaty@usdoj.gov, Popper, Jason Jason.Popper@ice.dhs.gov, Kevin J. Laws K&S Teaching and Consulting knsteaching@gmail.com, James R. Marsh jamesmarsh@marsh.law

The victim series in the Curtis case are:

Misty Series

Pink Heart Sisters series, 2 victims

Jenny series

Jessica series

Vicky series

Marineland1 series

Jan_Socks1 series

Jan_Socks2 series

Jan_Socks3 series

Jan_Socks4 series

Lighthouse1 series

At School series

Sweet White Sugar

Sweet Pink Sugar

Michelle D. Sparks, Paralegal
Carol L. Hepburn, P.S.
200 First Avenue West
Suite 550
Seattle, WA 98119
206-957-7272
206-957-7273 fax

michelle@hepburnlaw.net

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On Oct 10, 2019, at 11:33 AM, Barfuss, Christina S <Christina.S.Barfuss@ice.dhs.gov> wrote:

Hello Carol,

Please provide me a listing with the victims in the Curtis case that you need the images for.
Thanks.

Christina Barfuss
c. 510-812-9650

From: Carol Hepburn <carol@hepburnlaw.net>
Sent: Sunday, September 22, 2019 9:02 PM
To: Barfuss, Christina S <Christina.S.Barfuss@ice.dhs.gov>
Cc: Osborn, Meredith (USACAN) <Meredith.Osborn@usdoj.gov>; Michelle Sparks <michelle@hepburnlaw.net>; Paidipaty, Sailaja (USACAN) <Sailaja.Paidipaty@usdoj.gov>;



From: Carol Hepburn carol@hepburnlaw.net
Subject: Re: Gerard Jones and Randall Curtis
Date: October 29, 2019 at 10:04 PM
To: Barfuss, Christina S Christina.S.Barfuss@ice.dhs.gov
Cc: Osborn, Meredith (USACAN) Meredith.Osborn@usdoj.gov, Michelle Sparks michelle@hepburnlaw.net, Paidipaty, Sailaja (USACAN) Sailaja.Paidipaty@usdoj.gov, Popper, Jason Jason.Popper@ice.dhs.gov, Kevin J. Laws K&S Teaching and Consulting knsteaching@gmail.com, James R. Marsh jamesmarsh@marsh.law, Debbie Bianco deb@debbiancolaw.com, John Kawai Jk@czrlaw.com

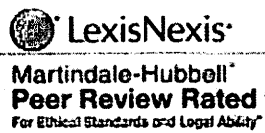
Hello Christina

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Thanks so much
Carol

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From: Carol Hepburn <carol@hepburnlaw.net>
Date: Friday, October 11, 2019 at 8:23 AM
To: "Barfuss, Christina S" <Christina.S.Barfuss@ice.dhs.gov>
Cc: "Osborn, Meredith (USACAN)" <Meredith.Osborn@usdoj.gov>, Michelle Sparks <michelle@hepburnlaw.net>, "Paidipaty, Sailaja (USACAN)" <Sailaja.Paidipaty@usdoj.gov>, "Popper, Jason" <Jason.Popper@ice.dhs.gov>, "Kevin J. Laws K&S Teaching and Consulting" <knsteaching@gmail.com>, "James R. Marsh" <jamesmarsh@marsh.law>
Subject: Re: Gerard Jones and Randall Curtis

Subject: Re: Gerard Jones and Randall Curtis

Hi Christina

For Curtis we have the following series

Vicky
Marineland
Jan_Socks
Lighthouse
At School
Sweet Sugar
Misty
Jessica
Jenny
Pink Heart Sisters

For Jones we have

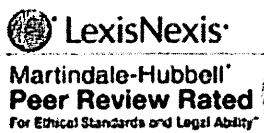
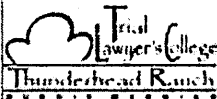
Vicky
Marineland
Jan_Socks
Lighthouse
At School
Misty
Sweet Sugar
Jessica
Jenny

Thanks very much

Carol

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From: "Barfuss, Christina S" <Christina.S.Barfuss@ice.dhs.gov>
Date: Thursday, October 10, 2019 at 11:33 AM
To: Carol Hepburn <carol@hepburnlaw.net>
Cc: "Osborn, Meredith (USACAN)" <Meredith.Osborn@usdoj.gov>, Michelle Sparks <michelle@hepburnlaw.net>, "Paidipaty, Sailaja (USACAN)" <Sailaja.Paidipaty@usdoj.gov>, "Popper, Jason" <Jason.Popper@ice.dhs.gov>, "Kevin J. Laws K&S Teaching and Consulting" <knsteaching@gmail.com>, "James R. Marsh" <jamesmarsh@marsh.law>
Subject: RE: Gerard Jones and Randall Curtis

Hello Carol,

Please provide me a listing with the victims in the Curtis case that you need the images for. Thanks.

Christina Barfuss
c. 510-812-9650

From: Carol Hepburn <carol@hepburnlaw.net>
Sent: Sunday, September 22, 2019 9:02 PM
To: Barfuss, Christina S <Christina.S.Barfuss@ice.dhs.gov>
Cc: Osborn, Meredith (USACAN) <Meredith.Osborn@usdoj.gov>; Michelle Sparks <michelle@hepburnlaw.net>; Paidipaty, Sailaja (USACAN) <Sailaja.Paidipaty@usdoj.gov>; Popper, Jason <Jason.Popper@ice.dhs.gov>; Kevin J. Laws K&S Teaching and Consulting <knsteaching@gmail.com>; James R. Marsh <jamesmarsh@marsh.law>
Subject: Re: Gerard Jones and Randall Curtis

Hello Christina

Our representative for viewing the images is Kevin Laws, retired HIS agent, who is copied here. Also copied is James Marsh who has represented some of the victims for restitution purposes and has associated me for their civil suit in NDCA.

Kevin is located in the Fairfax VA area.

We are prioritizing the Curtis matter at the moment for processing. We look forward to getting the viewing arranged. Please keep me in the loop on any emails about the arrangements.

I hanks so much

Carol

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From: "Barfuss, Christina S" <Christina.S.Barfuss@ice.dhs.gov>
Date: Wednesday, September 11, 2019 at 4:43 PM
To: Carol Hepburn <carol@hepburnlaw.net>
Cc: "Osborn, Meredith (USACAN)" <Meredith.Osborn@usdoj.gov>, Michelle Sparks <michelle@hepburnlaw.net>, "Paidipaty, Sailaja (USACAN)" <Sailaja.Paidipaty@usdoj.gov>, "Popper, Jason" <Jason.Popper@ice.dhs.gov>
Subject: RE: Gerard Jones—accessing images

Hi Carol,

I am arranging our office in Washington DC to assist your representative in viewing the images. I will be able to have this case (Gerard JONES) and Randall CURTIS available. If you can give me your representative's name and phone number or e-mail, I'll have the contact in DC reach out to them to schedule an appointment in the next couple weeks.

Thank you for you patience in this process.

Christina Barfuss
Counsel Supervisor

Group Supervisor
Homeland Security Investigations
Cyber Crimes/Child Exploitation
Cyber Crimes Investigations Center
c- 510-812-9650

From: Carol Hepburn <carol@hepburnlaw.net>
Sent: Wednesday, August 28, 2019 7:38 AM
To: Barfuss, Christina S <Christina.S.Barfuss@ice.dhs.gov>
Cc: Osborn, Meredith (USACAN) <Meredith.Osborn@usdoj.gov>; Michelle Sparks
<michelle@hepburnlaw.net>
Subject: Re: Gerard Jones—accessing images

Let me try again. So much for dictating

Hello Christina

Our representative for viewing the images——

Apologies

Carol L. Hepburn
Carol L. Hepburn, P.S.
200 First Ave. W. Suite 550
Seattle, WA 98119

(206) 957-7272 (office)
(206) 498-8668 (mobile)
(206) 957-7273 (fax)

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From: Barfuss, Christina S <Christina.S.Barfuss@ice.dhs.gov>

Subject: RE: Gerard Jones and Randall Curtis

Date: October 30, 2019 at 9:34 AM

To: Carol Hepburn <carol@hepburnlaw.net>

Cc: Osborn, Meredith (USACAN) <Meredith.Osborn@usdoj.gov>, Michelle Sparks <michelle@hepburnlaw.net>, Paidipaty, Sailaja (USACAN) <Sailaja.Paidipaty@usdoj.gov>, Popper, Jason <Jason.Popper@ice.dhs.gov>, Kevin J. Laws K&S Teaching and Consulting <knsteaching@gmail.com>, James R. Marsh <jamesmarsh@marsh.law>, Debbie Bianco <deb@debbiancolaw.com>, John Kawai <jk@czrlaw.com>



Hello Carol,

We are seeking future guidance on how best to handle these since we don't have anything in place, but until then, I have sent everything over to the office in DC. Your reviewer can contact SA Kristina Eyler, 703-675-9760 and she will setup the viewing. This is for both cases, JONES and CURTIS, so hopefully he can do it in one sitting, that office is short staffed at the moment and will do their best to accommodate the schedule.

Christina Barfuss
c. 510-812-9650

From: Carol Hepburn <carol@hepburnlaw.net>

Sent: Tuesday, October 29, 2019 10:05 PM

To: Barfuss, Christina S <Christina.S.Barfuss@ice.dhs.gov>

Cc: Osborn, Meredith (USACAN) <Meredith.Osborn@usdoj.gov>; Michelle Sparks <michelle@hepburnlaw.net>; Paidipaty, Sailaja (USACAN) <Sailaja.Paidipaty@usdoj.gov>; Popper, Jason <Jason.Popper@ice.dhs.gov>; Kevin J. Laws K&S Teaching and Consulting <knsteaching@gmail.com>; James R. Marsh <jamesmarsh@marsh.law>; Debbie Bianco <deb@debbiancolaw.com>; John Kawai <jk@czrlaw.com>

Subject: Re: Gerard Jones and Randall Curtis

Hello Christina

Can you please advise where we are on this matter? Our Curtis case in particular is moving forward and we need to have the evidence reviewed.

Thanks so much
Carol

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From: Garcia, Julie (USACAN) Julie.Garcia@usdoj.gov
Subject: RE: US v. Randall Steven Curtis 16-cr-510 restitution for Jan_Socks and Sweet Sugar and Lighthouse series
Date: January 22, 2018 at 4:03 PM
To: Carol Hepburn carol@hepburnlaw.net
Cc: Michelle Sparks michelle@hepburnlaw.net, Debbie Bianco deb@debbiancolaw.com, James R. Marsh jamesmarsh@marsh.law, Kawai, Jerald Jerald.Kawai@ice.dhs.gov



Dear Ms. Hepburn,

Thank you for your email. Here is the information we have so far:

Jan_Socks

- Skylar appears in 19 images.
- Sally appears in 17 images.
- Sierra appears in 21 images.

Lighthouse

- The defendant had one image of Maureen.

For the **Sweet Sugar** series, I understand that the agent has not yet been able to determine the number of images for each victim because we have not yet received sanitized images of the victims to use for comparison. If you or Ms. Bianco can get us those sanitized images in the next day or two, that would be a big help.

Please don't hesitate to reach out with other questions.

Thanks,
Julie

Julie D. Garcia

Tel: (415) 436-6758 | Fax: (415) 436-7234
Julie.Garcia@usdoj.gov

From: Carol Hepburn [mailto:carol@hepburnlaw.net]
Sent: Monday, January 22, 2018 2:33 PM
To: Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>
Cc: Garcia, Julie (USACAN) <jgarcia3@usa.doj.gov>; Michelle Sparks <michelle@hepburnlaw.net>; Debbie Bianco <deb@debbiancolaw.com>; James R. Marsh <jamesmarsh@marsh.law>
Subject: US v. Randall Steven Curtis 16-cr-510 restitution for Jan_Socks and Sweet Sugar and Lighthouse series

Hello Ms. Kotiya and Ms. Garcia

I represent the Jan_Socks series victims, and co-represent the Sweet Sugar series victims together with Deb Bianco. We also represent one of the Lighthouse series victims while James Marsh represents the other Lighthouse series victim. We all have submitted restitution requests for all of these series (as well as some additional series.) Each of the named series are multi-victim series and we would like to confirm whether all of the victims are in Mr. Curtis' collection or just a subset of the victims. Could you assist us with this please?

Thanks so much

Carol Hepburn

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or acts to improve the lot of others...
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Robert F. Kennedy (1925 - 1968)



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From: Carol Hepburn carol@hepburnlaw.net
Subject: Re: US v. Randall Steven Curtis 16-cr-510 restitution for Jan_Socks and Sweet Sugar and Lighthouse series
Date: January 22, 2018 at 4:08 PM
To: Garcia, Julie (USACAN) Julie.Garcia@usdoj.gov
Cc: Michelle Sparks michelle@hepburnlaw.net, Debbie Bianco deb@debbiancolaw.com, James R. Marsh jamesmarsh@marsh.law, Kawai, Jerald Jerald.Kawai@ice.dhs.gov

Thanks so much. Michelle or Debbie will get you those sanitized images shortly

On Jan 22, 2018, at 4:02 PM, Garcia, Julie (USACAN) <Julie.Garcia@usdoj.gov> wrote:

Dear Ms. Hepburn,

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Julie

Julie D. Garcia

Tel: (415) 436-6758 | Fax: (415) 436-7234

Julie.Garcia@usdoj.gov

From: Carol Hepburn [<mailto:carol@hepburnlaw.net>]

Sent: Monday, January 22, 2018 2:33 PM

To: Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>

Cc: Garcia, Julie (USACAN) <jgarcia3@usa.doj.gov>; Michelle Sparks <michelle@hepburnlaw.net>; Debbie Bianco <deb@debbiancolaw.com>; James R. Marsh <jamesmarsh@marsh.law>

Subject: US v. Randall Steven Curtis 16-cr-510 restitution for Jan_Socks and Sweet Sugar and Lighthouse series

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he sends forth a tiny ripple of hope,
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those ripples build a current that can sweep down the mightiest walls of oppression and
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<image001.jpg><image002.png><image003.jpg>

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Sent: Monday, January 22, 2018 2:33 PM
To: Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>
Cc: Garcia, Julie (USACAN) <jgarcia3@usa.doj.gov>; Michelle Sparks <michelle@hepburnlaw.net>; Debbie Bianco <deb@debbiancolaw.com>; James R. Marsh <jamesmarsh@marsh.law>
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<image001.jpg><image002.png><image003.jpg>

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Sanitized
photos...016.zip



From: Carol Hepburn carol@hepburnlaw.net
Subject: Re: Lighthouse Series; US v Randall Steven Curtis; No. 3:16-cr-00510-SI-1
Date: April 23, 2018 at 1:03 PM
To: Garcia, Julie (USACAN) Julie.Garcia@usdoj.gov, Debbie Bianco bianco.lawyers@gmail.com, Sunga, Maria (USACAN) Maria.Sunga@usdoj.gov
Cc: Debbie Bianco deb@debbiancolaw.com, Michelle Sparks michelle@hepburnlaw.net



Hi Julie

I want to let you know that the defense counsel has written to us and is telling us that Mr. Curtis "has not admitted to knowingly possessing any particular image of child pornography. There were tens of thousands of images on various devices, the vast majority of which were not child pornography, there were also a number of people who had access to, and did in fact access, those devices other than Mr. Curtis."

Is this consistent with the government's proof in the case? I see that the sentencing is set for May 25th now. I have not connected with Ms. Halbert by phone yet.

Thanks much

Carol

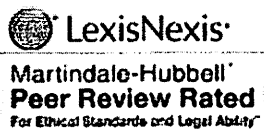
Please excuse errors in typing as I temporarily have a cast on my dominant hand and am relying on a dictation app.

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From: "Garcia, Julie (USACAN)" <Julie.Garcia@usdoj.gov>

Date: Friday, February 9, 2018 at 4:31 PM

To: Debbie Bianco <bianco.lawyers@gmail.com>, "Sunga, Maria (USACAN)" <Maria.Sunga@usdoj.gov>

Cc: Debbie Bianco <deb@debbiancolaw.com>, Carol Hepburn <carol@hepburnlaw.net>, Michelle Sparks <michelle@hepburnlaw.net>

Subject: RE: Lighthouse Series; US v Randall Steven Curtis; No. 3:16-cr-00510-SI-1

Thank you, Debbie. We received this request. The defendant had one image of Maureen.

Have a nice weekend.

Julie

Julie D. Garcia

Tel: (415) 436-6758 | Fax: (415) 436-7234

Julie.Garcia@usdoj.gov

From: Debbie Bianco [mailto:bianco.lawyers@gmail.com]

Sent: Wednesday, February 7, 2018 11:56 AM

To: Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>; Garcia, Julie (USACAN) <jgarcia3@usa.doj.gov>; Sunga, Maria (USACAN) <msunga@usa.doj.gov>

Cc: Debbie Bianco <deb@debbiancolaw.com>; Carol Hepburn <carol@hepburnlaw.net>; Michelle Sparks <michelle@hepburnlaw.net>

Subject: Lighthouse Series; US v Randall Steven Curtis; No. 3:16-cr-00510-SI-1

Dear Ms. Kotiya, Ms. Garcia and Ms. Sunga:

Attached please find our restitution request for the Lighthouse victim born in 1997 and known as "Maureen." **Please confirm receipt of this email and attachments. PLEASE NOTE THIS IS A NEW REQUEST, AND IS BASED ON THE ATTACHED FORENSIC EVALUATION.**

Please advise us as to how many images/videos there are of our client and if the images/videos were in a shared folder, and if there is any evidence that our client's images/videos have been accessed by others.

All of the attached exhibits are redacted so please feel free to forward them on to defense counsel.

Additionally, as noted in our letter, we request a finding by the

court that Maureen is a victim of defendant's crime, even if, for some reason, she is ineligible for restitution. Acknowledgement that she has been harmed by defendant's offense is an important part of her recovery.

If restitution is ordered on this defendant, please reference the pseudonym "Maureen" on any check.

Should you have any questions please feel free to call me at the number below or on my cell phone at (206) 794-4884.

Thanks very much for your efforts on behalf of the victims of these crimes, including Maureen.

Deb Bianco

From: Garcia, Julie (USACAN) Julie.Garcia@usdoj.gov
Subject: RE: Lighthouse Series; US v Randall Steven Curtis; No. 3:16-cr-00510-SI-1
Date: April 27, 2018 at 3:51 PM
To: Carol Hepburn carol@hepburnlaw.net, Debbie Bianco bianco.lawyers@gmail.com, Sunga, Maria (USACAN) Maria.Sunga@usdoj.gov
Cc: Debbie Bianco deb@debbiancolaw.com, Michelle Sparks michelle@hepburnlaw.net



Hi Carol,

I apologize for the delay in getting back to you. No, that is not consistent with the government's proof in this case. The defendant admitted when he pleaded guilty that he possessed—and solely possessed—the devices that these images were found on. He also admitted that he knew the devices contained child pornography.

Thanks,
Julie

Julie D. Garcia

Tel: (415) 436-6758 | Fax: (415) 436-7234
Julie.Garcia@usdoj.gov

From: Carol Hepburn <carol@hepburnlaw.net>
Sent: Monday, April 23, 2018 1:10 PM
To: Garcia, Julie (USACAN) <jgarcia3@usa.doj.gov>; Debbie Bianco <bianco.lawyers@gmail.com>; Sunga, Maria (USACAN) <msunga@usa.doj.gov>
Cc: Debbie Bianco <deb@debbiancolaw.com>; Michelle Sparks <michelle@hepburnlaw.net>
Subject: Re: Lighthouse Series; US v Randall Steven Curtis; No. 3:16-cr-00510-SI-1

Hi Julie

I want to let you know that the defense counsel has written to us and is telling us that Mr. Curtis "has not admitted to knowingly possessing any particular image of child pornography. There were tens of thousands of images on various devices, the vast majority of which were not child pornography, there were also a number of people who had access to, and did in fact access, those devices other than Mr. Curtis."

Is this consistent with the government's proof in the case? I see that the sentencing is set for May 25th now. I have not connected with Ms. Halbert by phone yet.

Thanks much

Carol

Please excuse errors in typing as I temporarily have a cast on my dominant hand and am relying on a dictation app.

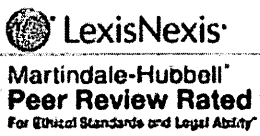
CAROL L. HEPBURN
CAROL L. HEPBURN, P.S.
200 FIRST AVE WEST, SUITE 550
SEATTLE, WA 98119
(206) 467-1057

(206)957-
7272
(206)957-7273 FAX

www.savagelawyer.com

**Each time a person stands up for an ideal,
or acts to improve the lot of others...
he sends forth a tiny ripple of hope,
and crossing each other from a million different centers of energy and daring,
those ripples build a current that can sweep down the mightiest walls of
oppression and resistance.**

Robert F. Kennedy (1925 - 1968)



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From: "Garcia, Julie (USACAN)" <Julie.Garcia@usdoj.gov>

Date: Friday, February 9, 2018 at 4:31 PM

To: Debbie Bianco <bianco.lawyers@gmail.com>, "Sunga, Maria (USACAN)" <Maria.Sunga@usdoj.gov>

Cc: Debbie Bianco <deb@debbiancolaw.com>, Carol Hepburn <carol@hepburnlaw.net>, Michelle Sparks <michelle@hepburnlaw.net>

Subject: RE: Lighthouse Series; US v Randall Steven Curtis; No. 3:16-cr-00510-SI-1

Thank you, Debbie. We received this request. The defendant had one image of Maureen.

Have a nice weekend.

Julie

Julie D. Garcia

Tel: (415) 436-6758 | Fax: (415) 436-7234

Julie.Garcia@usdoj.gov

From: Debbie Bianco [<mailto:bianco.lawyers@gmail.com>]

Sent: Wednesday, February 7, 2018 11:56 AM

To: Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>; Garcia, Julie (USACAN) <jgarcia3@usa.doj.gov>; Sunga, Maria (USACAN) <msunga@usa.doj.gov>

Cc: Debbie Bianco <deb@debbiancolaw.com>; Carol Hepburn <carol@hepburnlaw.net>;

Michelle Sparks <michelle@hepburnlaw.net>

Subject: Lighthouse Series; US v Randall Steven Curtis; No. 3:16-cr-00510-SI-1

Dear Ms. Kotiya, Ms. Garcia and Ms. Sunga:

Attached please find our restitution request for the Lighthouse victim born in 1997 and known as "Maureen." **Please confirm receipt of this email and attachments. PLEASE NOTE THIS IS A NEW REQUEST, AND IS BASED ON THE ATTACHED FORENSIC EVALUATION.**

Please advise us as to how many images/videos there are of our client and if the images/videos were in a shared folder, and if there is any evidence that our client's images/videos have been accessed by others.

All of the attached exhibits are redacted so please feel free to forward them on to defense counsel.

Additionally, as noted in our letter, we request a finding by the court that Maureen is a victim of defendant's crime, even if, for some reason, she is ineligible for restitution. Acknowledgement that she has been harmed by defendant's offense is an important part of her recovery.

If restitution is ordered on this defendant, please reference the pseudonym "Maureen" on any check.

Should you have any questions please feel free to call me at the number below or on my cell phone at (206) 794-4884.

Thanks very much for your efforts on behalf of the victims of these crimes, including Maureen.

Deb Bianco



From: Sunga, Maria (USACAN) Maria.Sunga@usdoj.gov
Subject: RE: US v. Randall Steven Curtis NDCA No. 3:16-cr-00510; Restitution Request for "Vicky" Series Victim Part 1
Date: June 20, 2018 at 11:17 AM
To: Michelle Sparks (michelle@hepburnlaw.net) michelle@hepburnlaw.net
Cc: Clerk Hepburn Law clerk@hepburnlaw.net

Hello Michelle,

Can you please send me Vicky's old victim impact statements? AUSA Julie Garcia is requesting copies.

Thank you,
Maria

From: Clerk Hepburn Law <clerk@hepburnlaw.net>
Sent: Wednesday, May 10, 2017 3:59 PM
To: Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>; Sunga, Maria (USACAN) <msunga@usa.doj.gov>
Cc: Carol Hepburn <carol@hepburnlaw.net>; Michelle Sparks <michelle@hepburnlaw.net>
Subject: US v. Randall Steven Curtis NDCA No. 3:16-cr-00510; Restitution Request for "Vicky" Series Victim Part 1

Hello Ms. Kotiya and Ms. Sunga:

Attached are our restitution materials for this case in which we represent the victim of the "Vicky" series. We ask that you please pass these materials on to the probation officer assigned to this case at the appropriate time. It is our understanding that if these materials are filed with the court, they will be filed under seal.

The exhibits supporting this request are quite large and, as such, I will be attaching them to a subsequent email in addition to this one. We would greatly appreciate it if you could confirm receipt of all attachments. The letter, the index, and exhibits 1 through 7 are attached here.

Should you have any questions or require any further documentation, please feel free to contact our Seattle office or to reach out to Carol on her cell phone at 206-498-8668.

Karena Gutierrez
Legal Assistant
Law Offices of Carol L. Hepburn, P.S.
200 First Avenue West, Suite 550
Seattle, WA 98119
206-957-7272
206-957-7273 Fax

clerk@hepburnlaw.net

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dissemination or use of this transmission or its contents by persons other than the addressee is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone and delete this transmission. Thank you.



From: Michelle Sparks michelle@hepburnlaw.net
Subject: Re: US v. Randall Steven Curtis NDCA No. 3:16-cr-00510; Restitution Request for "Vicky" Series Victim Part 1
Date: June 20, 2018 at 11:24 AM
To: Sunga, Maria (USACAN) Maria.Sunga@usdoj.gov
Cc: Alexandra Gilbert alexandra@hepburnlaw.net

Michelle D. Sparks, Paralegal
Carol L. Hepburn, P.S.
200 First Avenue West
Suite 550
Seattle, WA 98119
206-957-7272
206-957-7273 fax

michelle@hepburnlaw.net

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On Jun 20, 2018, at 11:15 AM, Sunga, Maria (USACAN) <Maria.Sunga@usdoj.gov> wrote:

Hello Michelle,

Can you please send me Vicky's old victim impact statements? AUSA Julie Garcia is requesting copies.

Thank you,
Maria

From: Clerk Hepburn Law <clerk@hepburnlaw.net>
Sent: Wednesday, May 10, 2017 3:59 PM
To: Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>; Sunga, Maria (USACAN) <msunga@usa.doj.gov>
Cc: Carol Hepburn <carol@hepburnlaw.net>; Michelle Sparks <michelle@hepburnlaw.net>
Subject: US v. Randall Steven Curtis NDCA No. 3:16-cr-00510; Restitution Request for "Vicky" Series Victim Part 1

Hello Ms. Kotiya and Ms. Sunga:

Attached are our restitution materials for this case in which we represent the victim of the "Vicky" series. We ask that you please pass these materials on to the probation officer assigned to this case at the appropriate time. It is our understanding that if these materials are filed with the court, they will be filed under seal.

The exhibits supporting this request are quite large and, as such, I will be attaching them to a subsequent email in addition to this one. We would greatly appreciate it if you could confirm receipt of all attachments. The letter, the index, and exhibits 1 through 7

are attached here.

Should you have any questions or require any further documentation, please feel free to contact our Seattle office or to reach out to Carol on her cell phone at 206-498-8668.

Karena Gutierrez
Legal Assistant
Law Offices of Carol L. Hepburn, P.S.
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Mother's Impact
Statem...09.pdf

Step-Father of Victim in Vicky Series

To whom it may concern,

My family has endured three and a half years, to date, of a living hell because of the selfish, perverted actions of a very sick and evil individual. My step-daughter (daughter) lived with this pain and trauma for six years, unable to tell anyone because of the fear she had for her biological father. We thought we were dealing with one "bad apple", but as time goes by we are finding that there are more and more of these sick individuals that are viewing, and sickly satisfying their awful desires.

We receive reminders in the mail and via email letting us know of all the individuals that are being prosecuted because they have our daughters images, child pornographic images, on their computer. We now have received enough notices to over flow a 55 gallon drum. Its mind boggling to see that there are some many perverted individuals. It sickens me and hurts me to the core knowing that some pervert is viewing my little daughter as she was made to dress up like a hooker, and is molested and raped. I am so sad that I couldn't stop these awful things from happening, and with each letter, email or phone call from the Department of Justice I am reminded of how I couldn't protect my daughter. How her innocence has been torn away and now how she is continually reminded that her pictures will be there forever!

My daughter carries this shame like a scarlet letter. She is beginning to move forward, but there are many moments where this tragedy raises its ugly head and paralyzes or inhibits her ability to function at school and as a normal young adult. The constant reminder that her pictures are out there brings

forward the guilt and shame, which cause nightmares and makes her want to isolate herself from others. Each time she hears about these cases she looks so strong on the outside, but when you sit and talk with her you see the pain, you hear the struggles and feel the sadness and the emotional drain that it causes.

We are asking for Justice with each case that is brought forward with these perverts. We are hoping and praying that they can understand how wrong they are and how hurtful their actions are for each victim in the pictures and videos on their computers. Please help them understand the significance of what they are doing and how each child is a victim because each child has done nothing wrong.

My daughter is the strongest person that I know and I am so proud of her. I pray that she can heal from the trauma that her biological father did to her and from the constant reminders that each of these sick individuals bring with each download. Actions sometimes have consequences, and when actions like this happen the consequences should be powerful and lasting. Give my daughter her justice, so that she may completely heal some day.

Respectfully,

[REDACTED]
[REDACTED]




Victim Impact
stmt (5...9).pdf



VIS.Husband.Vic
ky.pdf



VIS.Vicky.pdf

From: Michelle Sparks michelle@hepburnlaw.net 
Subject: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession
Date: February 15, 2019 at 9:12 AM
To: shailika.kotiya@usdoj.gov, Sunga, Maria (USACAN) Maria.Sunga@usdoj.gov
Cc: Carol Hepburn carol@hepburnlaw.net, Deborah Bianco deb@debbiancolaw.com, Lesley DebBiancolaw.com lesley@debbiancolaw.com, Katie M. Shipp katieshipp@marsh.law



Michelle D. Sparks, Paralegal
Carol L. Hepburn, P.S.
200 First Avenue West
Suite 550
Seattle, WA 98119
206-957-7272
206-957-7273 fax

michelle@hepburnlaw.net

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021519.letter to
AUSA...rtls.pdf

From: Kotiya, Shailika (USACAN) Shailika.Kotiya@usdoj.gov
Subject: Automatic reply: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession
Date: February 15, 2019 at 9:12 AM
To: Michelle Sparks michelle@hepburnlaw.net



I am out of the office until Tuesday February 19, 2019. My responses to any emails will be delayed. If your matter is urgent, you may contact my legal assistant, Andy Ding, at 415-436-6847.



From: Kotiya, Shailika (USACAN) Shailika.Kotiya@usdoj.gov
Subject: RE: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession
Date: February 19, 2019 at 3:48 PM
To: Michelle Sparks michelle@hepburnlaw.net, Sunga, Maria (USACAN) Maria.Sunga@usdoj.gov
Cc: Carol Hepburn carol@hepburnlaw.net, Deborah Bianco deb@debbiancolaw.com, Lesley DebBiancolaw.com lesley@debbiancolaw.com, Katie M. Shipp katieshipp@marsh.law

All,

Thanks. The evidence is house at the Homeland Security Investigations Lab at 630 Sansome Street, San Francisco, CA.

The best point of contact IF in the short term is HSI Special Agent Jerald Kawai, Jerald.Kawai@ice.dhs.gov. He is set to retire in the near future. If later, you can reach out to me and I will find a new representative for your coordinate your viewing through.

Best,

Shailika S. Kotiya
Assistant U.S. Attorney
Northern District of California
Tel: (415) 436-7443

From: Michelle Sparks <michelle@hepburnlaw.net>
Sent: Friday, February 15, 2019 9:13 AM
To: Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>; Sunga, Maria (USACAN) <msunga@usa.doj.gov>
Cc: Carol Hepburn <carol@hepburnlaw.net>; Deborah Bianco <deb@debbiancolaw.com>; Lesley DebBiancolaw.com <lesley@debbiancolaw.com>; Katie M. Shipp <katieshipp@marsh.law>
Subject: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession

Michelle D. Sparks, Paralegal
Carol L. Hepburn, P.S.
200 First Avenue West
Suite 550
Seattle, WA 98119
206-957-7272
206-957-7273 fax

michelle@hepburnlaw.net

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From: Michelle Sparks michelle@hepburnlaw.net
Subject: Re: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession
Date: February 19, 2019 at 4:00 PM
To: Kotiya, Shailika (USACAN) Shailika.Kotiya@usdoj.gov
Cc: Sunga, Maria (USACAN) Maria.Sunga@usdoj.gov, Carol Hepburn carol@hepburnlaw.net, Deborah Bianco deb@debbiancolaw.com, Lesley DebBiancolaw.com lesley@debbiancolaw.com, Katie M. Shipp katieshipp@marsh.law
Bcc: Michelle Sparks michelle@hepburnlaw.net

Thanks very much for this information. Michelle

Michelle D. Sparks, Paralegal
Carol L. Hepburn, P.S.
200 First Avenue West
Suite 550
Seattle, WA 98119
206-957-7272
206-957-7273 fax

michelle@hepburnlaw.net

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On Feb 19, 2019, at 3:48 PM, Kotiya, Shailika (USACAN) <Shailika.Kotiya@usdoj.gov> wrote:

All,

Thanks. The evidence is house at the Homeland Security Investigations Lab at 630 Sansome Street, San Francisco, CA.

The best point of contact IF in the short term is HSI Special Agent Jerald Kawai, Jerald.Kawai@ice.dhs.gov. He is set to retire in the near future. If later, you can reach out to me and I will find a new representative for your coordinate your viewing through.

Best,

Shailika S. Kotiya
Assistant U.S. Attorney
Northern District of California
Tel: (415) 436-7443

From: Michelle Sparks <michelle@hepburnlaw.net>
Sent: Friday, February 15, 2019 9:13 AM
To: Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>; Sunga, Maria (USACAN) <msunga@usa.doj.gov>
Cc: Carol Hepburn <carol@hepburnlaw.net>; Deborah Bianco <deb@debbiancolaw.com>; Lesley DebBiancolaw.com <lesley@debbiancolaw.com>

~~cc: bobbi@hepburnlaw.com, Emily @hepburnlaw.com, katie@hepburnlaw.com,~~

Katie M. Shipp <katieshipp@marsh.law>

Subject: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession

Michelle D. Sparks, Paralegal
Carol L. Hepburn, P.S.
200 First Avenue West
Suite 550
Seattle, WA 98119
206-957-7272
206-957-7273 fax

michelle@hepburnlaw.net

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From: Vicki_Eastvold@cand.uscourts.gov
Subject: TRANSCRIPT DELIVERY CR 16-510 USA v. Curtis
Date: April 2, 2019 at 8:38 AM
To: michelle@hepburnlaw.net, carol@hepburnlaw.net



Attached you will find the transcript you ordered. My invoice for your records will be coming to you directly from my invoicing software.

Thank you and best regards.



Vicki Eastvold, RMR, CRR
Official Court Reporter
United States District Court
Northern District of California
450 Golden Gate Avenue, 16th floor
San Francisco, CA 94102
<https://cand.uscourts.gov>
Vicki_Eastvold@cand.uscourts.gov
Mobile: (218) 355-8781



18JUN08 -
Curtis.pdf

From: Vicki_Eastvold@cand.uscourts.gov
Subject: Re: Invoice Balance USA v. Curtis CR 16-510
Date: April 2, 2019 at 9:28 AM
To: Michelle Sparks michelle@hepburnlaw.net



It would have come to you directly from my invoicing software. Maybe check your spam?? : (

Hey, I discovered the transcript I sent you does not have my official signature on the certificate page. So please discard that one, and replace it with this one. Sorry for the inconvenience.

Let me know if you need me to re-send the invoice.

Vicki



Vicki Eastvold, RMR, CRR
Official Court Reporter
United States District Court
Northern District of California
450 Golden Gate Avenue, 16th floor
San Francisco, CA 94102
<https://cand.uscourts.gov>
Vicki_Eastvold@cand.uscourts.gov
Mobile: (218) 355-8781

From: Michelle Sparks <michelle@hepburnlaw.net>
To: "Vicki_Eastvold@cand.uscourts.gov" <Vicki_Eastvold@cand.uscourts.gov>
Date: 04/02/2019 09:20 AM
Subject: Re: Invoice Balance USA v. Curtis CR 16-510

I don't see the invoice?

Michelle

Michelle D. Sparks, Paralegal
Carol L. Hepburn, P.S.
200 First Avenue West
Suite 550
Seattle, WA 98119
206-957-7272
206-957-7273 fax

michelle@hepburnlaw.net

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On Apr 2, 2019, at 8:59 AM, Vicki_Eastvold@cand.uscourts.gov wrote:

Hello Michelle. I just recently sent the transcript, and also my invoice.

Thank you for your estimate deposit of \$175.20. You will notice my invoice shows a balance of \$14.60 because the transcript ended up being just a few pages longer. You can just remit that within 30 days.

Thank you.

Vicki



Vicki Eastvold, RMR, CRR
Official Court Reporter
United States District Court
Northern District of California
450 Golden Gate Avenue, 16th floor
San Francisco, CA 94102
<https://cand.uscourts.gov>
Vicki_Eastvold@cand.uscourts.gov
Mobile: (218) 355-8781

From: Michelle Sparks <michelle@hepburnlaw.net>
To: "Vicki_Eastvold@cand.uscourts.gov" <Vicki_Eastvold@cand.uscourts.gov>
Date: 04/01/2019 04:30 PM
Subject: Re: USA v. Curtis CR 16-510

Thanks very much. Michelle

Michelle D. Sparks, Paralegal
Carol L. Hepburn, P.S.
200 First Avenue West
Suite 550
Seattle, WA 98119
206-957-7272
206-957-7273 fax

michelle@hepburnlaw.net

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On Apr 1, 2019, at 4:28 PM, Vicki_Eastvold@cand.uscourts.gov wrote:

Hi. I see the due date is coming up on April 8. But my proofreader just returned it to me last evening.

If I am NOT on jury duty tomorrow (smile) I will send it tomorrow. Otherwise, it will be Wednesday.

Vicki



Vicki Eastvold, RMR, CRR
Official Court Reporter
United States District Court
Northern District of California
450 Golden Gate Avenue, 16th floor
San Francisco, CA 94102
<https://cand.uscourts.gov>
Vicki_Eastvold@cand.uscourts.gov
Mobile: (218) 355-8781

From: Michelle Sparks <michelle@hepburnlaw.net>
To: "Vicki_Eastvold@cand.uscourts.gov" <Vicki_Eastvold@cand.uscourts.gov>
Cc: Carol Hepburn <carol@hepburnlaw.net>, Keegan Tasker <keegan@hepburnlaw.net>
Date: 04/01/2019 04:24 PM
Subject: Re: USA v. Curtis CR 16-510

Ms. Eastvold: Would you please give us an eta on the sentencing hearing transcript? Thank you. Michelle

Michelle D. Sparks, Paralegal
Carol L. Hepburn, P.S.
200 First Avenue West
Suite 550
Seattle, WA 98119
206-957-7272
206-957-7273 fax

michelle@hepburnlaw.net

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On Mar 18, 2019, at 10:22 AM, Vicki_Eastvold@cand.uscourts.gov wrote:

I thank you, yes, I did receive the check. :)



Vicki Eastvold, RMR, CRR
Official Court Reporter
United States District Court
Northern District of California
450 Golden Gate Avenue, 16th floor
San Francisco, CA 94102
<https://cand.uscourts.gov>
Vicki_Eastvold@cand.uscourts.gov
Mobile: (218) 355-8781

From: "Vicki Eastvold@cand.uscourts.gov" <Vicki Eastvold@cand.uscourts.gov>
Date: Thursday, March 7, 2019 at 3:27 PM
To: Michelle Sparks <michelle@hepburnlaw.net>, Carol Hepburn <carol@hepburnlaw.net>
Subject: USA v. Curtis CR 16-510

I have not heard from you since indicating in my last email about a deposit of \$175.20 which would be involved in ordering this transcript.

I wanted to give you a heads up I am leaving on vacation tomorrow for ten days and won't have email access.

Just a heads up.

<Image004.jpg>

Vicki Eastvold, RMR, CRR
Official Court Reporter
United States District Court
Northern District of California
450 Golden Gate Avenue, 16th floor
San Francisco, CA 94102
<https://cand.uscourts.gov>
Vicki Eastvold@cand.uscourts.gov
Mobile: (218) 355-8781



From: Carol Hepburn carol@hepburnlaw.net
Subject: Re: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession
Date: July 3, 2019 at 5:17 PM
To: Kotiya, Shailika (USACAN) Shailika.Kotiya@usdoj.gov, Michelle Sparks michelle@hepburnlaw.net, Sunga, Maria (USACAN) Maria.Sunga@usdoj.gov
Cc: Deborah Bianco deb@debbiancolaw.com, Lesley DebBiancolaw.com lesley@debbiancolaw.com, James R. Marsh jamesmarsh@marsh.law



Hello Shailika

I'm following up on this with apologies for the gap in communications. I had some hospitalizations in my immediate family and was out of the office for a while. But we would like to have the evidence transferred to the court as is an option under 18 usc 3509(M)(3). I'm considering a motion in our civil case to that end but want to touch base with you first to see if that raises issues for the government. The end result we seek is to have the evidence available for use in our civil case and for our clients' representative to view their images and the court to be able to view the images if the defense requires us to go that far.

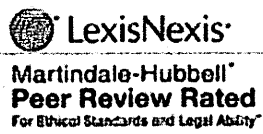
Hoping to talk with you next week about this.

Thanks very much


Carol
206-498-8668.

CAROL L. HEPBURN
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Subject: Re: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession
Date: July 8, 2019 at 4:26 PM
To: Carol Hepburn carol@hepburnlaw.net
Cc: Michelle Sparks michelle@hepburnlaw.net, Sunga, Maria (USACAN) Maria.Sunga@usdoj.gov, Deborah Bianco deb@debbiancolaw.com, Lesley DebBiancolaw.com lesley@debbiancolaw.com, James R. Marsh jamesmarsh@marsh.law

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From: James R. Marsh jamesmarsh@marsh.law
Subject: RE: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession
Date: July 8, 2019 at 7:49 PM
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From: "Kotiya, Shailika (USACAN)" <Shailika.Kotiya@usdoj.gov>
Date: Tuesday, February 19, 2019 at 3:48 PM
To: Michelle Sparks <michelle@hepburnlaw.net>, "Sunga, Maria (USACAN)" <Maria.Sunga@usdoj.gov>
Cc: Carol Hepburn <carol@hepburnlaw.net>, Deborah Bianco <deb@debbiancolaw.com>, "Lesley DebBiancolaw.com" <lesley@debbiancolaw.com>, "Katie M. Shipp" <katieshipp@marsh.law>
Subject: RE: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession

All,

Thanks. The evidence is house at the Homeland Security Investigations Lab at 630 Sansome Street, San Francisco, CA.

The best point of contact IF in the short term is HSI Special Agent Jerald Kawai, Jerald.Kawai@ice.dhs.gov. He is set to retire in the near future. If later, you can reach out to me and I will find a new representative for your coordinate your viewing through.

Best,

Shailika S. Kotiya
Assistant U.S. Attorney
Northern District of California
Tel: (415) 436-7443

From: Michelle Sparks <michelle@hepburnlaw.net>
Sent: Friday, February 15, 2019 9:13 AM
To: Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>; Sunga, Maria (USACAN) <msunga@usa.doj.gov>
Cc: Carol Hepburn <carol@hepburnlaw.net>; Deborah Bianco <deb@debbiancolaw.com>; Lesley DebBiancolaw.com <lesley@debbiancolaw.com>; Katie M. Shipp <katieshipp@marsh.law>
Subject: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession

Michelle D. Sparks, Paralegal
Carol L. Hepburn, P.S.
200 First Avenue West
Suite 550
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michelle@hepburnlaw.net

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From: James R. Marsh jamesmarsh@marsh.law
Subject: RE: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession
Date: July 9, 2019 at 1:33 PM
To: Kotiya, Shailika (USACAN) Shailika.Kotiya@usdoj.gov
Cc: Carol Hepburn carol@hepburnlaw.net, Michelle D. Sparks michelle@hepburnlaw.net, Sunga, Maria (USACAN) Maria.Sunga@usdoj.gov, Debbie Bianco deb@debbiancolaw.com, Lesley Roberts lesley@debbiancolaw.com



Well the statute says court. The plain meaning of the statute says court. I was intimately involved in the drafting of this provision. But check with Main Justice to see how it will be implemented. Thanks.

James

From: Kotiya, Shailika (USACAN) <Shailika.Kotiya@usdoj.gov>
Sent: Tuesday, July 9, 2019 11:50 AM
To: James R. Marsh <jamesmarsh@marsh.law>
Cc: Carol Hepburn <carol@hepburnlaw.net>; Michelle D. Sparks <michelle@hepburnlaw.net>; Sunga, Maria (USACAN) <Maria.Sunga@usdoj.gov>; Debbie Bianco <deb@debbiancolaw.com>; Lesley Roberts <lesley@debbiancolaw.com>
Subject: Re: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession

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Sent from my iPhone

On Jul 8, 2019, at 7:50 PM, James R. Marsh <jamesmarsh@marsh.law> wrote:

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From: Kotiya, Shailika (USACAN) <Shailika.Kotiya@usdoj.gov>
Sent: Monday, July 8, 2019 7:26 PM
To: Carol Hepburn <carol@hepburnlaw.net>
Cc: Michelle D. Sparks <michelle@hepburnlaw.net>; Sunga, Maria (USACAN) <Maria.Sunga@usdoj.gov>; Debbie Bianco <deb@debbiancolaw.com>; Lesley Roberts <lesley@debbiancolaw.com>; James R. Marsh <jamesmarsh@marsh.law>
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CAROL L. HEPBURN
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200 FIRST AVE WEST, SUITE 550
SEATTLE, WA 98119



From: Carol Hepburn carol@hepburnlaw.net
Subject: Re: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession
Date: July 9, 2019 at 3:01 PM
To: Kotiya, Shailika (USACAN) Shailika.Kotiya@usdoj.gov, James R. Marsh jamesmarsh@marsh.law
Cc: Michelle Sparks michelle@hepburnlaw.net, Sunga, Maria (USACAN) Maria.Sunga@usdoj.gov, Debbie Bianco deb@debbiancolaw.com, Lesley Roberts lesley@debbiancolaw.com

Shailika

Thanks very much. I will tickle this for next week to check back with you if we have not heard.

Best,

Carol

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From: "Kotiya, Shailika (USACAN)" <Shailika.Kotiya@usdoj.gov>
Date: Tuesday, July 9, 2019 at 8:50 AM
To: "James R. Marsh" <jamesmarsh@marsh.law>
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To: Carol Hepburn <carol@hepburnlaw.net>
Cc: Michelle D. Sparks <michelle@hepburnlaw.net>; Sunga, Maria (USACAN) <Maria.Sunga@usdoj.gov>; Debbie Bianco <deb@debbiancolaw.com>; Lesley Roberts <lesley@debbiancolaw.com>; James R. Marsh <jamesmarsh@marsh.law>
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SENT FROM MY IPHONE

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From: Michelle Sparks michelle@hepburnlaw.net
Subject: Re: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession
Date: July 25, 2019 at 3:04 PM
To: Kotiya, Shailika (USACAN) Shailika.Kotiya@usdoj.gov
Cc: James R. Marsh jamesmarsh@marsh.law, Sunga, Maria (USACAN) Maria.Sunga@usdoj.gov, Deborah Bianco deb@debbiancolaw.com, Lesley Roberts lesley@debbiancolaw.com, Carol Hepburn carol@hepburnlaw.net

Ms. Kotiya: This email is to follow up regarding having the evidence transferred to the court as an option under 18 USC 3509(M)(3). Please advise us, Michelle

Michelle D. Sparks, Paralegal
Carol L. Hepburn, P.S.
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Shailika

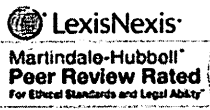
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Sent: Monday, July 8, 2019 7:26 PM

To: Carol Hepburn <carol@hepburnlaw.net>

Cc: Michelle D. Sparks <michelle@hepburnlaw.net>; Sunga, Maria (USACAN) <Maria.Sunga@usdoj.gov>; Debbie Bianco <deb@debbiancolaw.com>; Lesley Roberts <lesley@debbiancolaw.com>; James R. Marsh <jamesmarsh@marsh.law>

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Date: Tuesday, February 19, 2019 at 3:48 PM
To: Michelle Sparks <michelle@hepburnlaw.net>, "Sunga, Maria (USACAN)" <Maria.Sunga@usdoj.gov>
Cc: Carol Hepburn <carol@hepburnlaw.net>, Deborah Bianco <deb@debbiancolaw.com>, "Lesley DebBiancolaw.com" <lesley@debbiancolaw.com>, "Katie M. Shipp" <katieshipp@marsh.law>
Subject: RE: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession

All,

Thanks. The evidence is house at the Homeland Security Investigations Lab at 630 Sansome Street, San Francisco, CA.

The best point of contact IF in the short term is HSI Special Agent Jerald Kawai, Jerald.Kawai@ice.dhs.gov. He is set to retire in the near future. If later, you can reach out to me and I will find a new representative for your coordinate your viewing through.

Best,

Shailika S. Kotiya
Assistant U.S. Attorney
Northern District of California
Tel: (415) 436-7443

From: Michelle Sparks <michelle@hepburnlaw.net>
Sent: Friday, February 15, 2019 9:13 AM
To: Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>; Sunga, Maria (USACAN) <msunga@usa.doj.gov>

Cc: Carol Hepburn <carol@hepburnlaw.net>; Deborah Bianco
<deb@debbiancolaw.com>; Lesley DebBiancolaw.com <lesley@debbiancolaw.com>;
Katie M. Shipp <katieshipp@marsh.law>
Subject: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of
Evidence and ID of Law Enforcement Agency in Possession

Michelle D. Sparks, Paralegal
Carol L. Hepburn, P.S.
200 First Avenue West
Suite 550
Seattle, WA 98119
206-957-7272
206-957-7273 fax

michelle@hepburnlaw.net

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From: Kotiya, Shailika (USACAN) Shailika.Kotiya@usdoj.gov
Subject: RE: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession
Date: July 26, 2019 at 2:13 PM
To: Michelle Sparks michelle@hepburnlaw.net
Cc: James R. Marsh jamesmarsh@marsh.law, Sunga, Maria (USACAN) Maria.Sunga@usdoj.gov, Deborah Bianco deb@debbiancolaw.com, Lesley Roberts lesley@debbiancolaw.com, Carol Hepburn carol@hepburnlaw.net



Hi Michelle,

I've reached out to EOUSA and CEOS. I've only spoken with CEOS at this time.

Making these materials available at HSI for the victims is making it reasonably available within the meaning of the statute. The request to send this to the Court is further complicated here because the district court case is not active – the defendant has already been sentenced. Meaning, we would have to ask the Clerk's office to house contraband. In my experience, it has been difficult to get CP/contraband to the Court even in an active case where the enhancements related to the images were in dispute.

I can't see a situation where my offer to make these items available at the law enforcement agency, and the offer to look into making it available at HSI offices closer to your geographic locations, does not comply with the statute.

Please let me know if you would like the evidence made available at a different HSI location than San Francisco, and which office.

Best,

Shailika S. Kotiya
Assistant U.S. Attorney
Northern District of California
Tel: (415) 436-7443

From: Michelle Sparks <michelle@hepburnlaw.net>
Sent: Thursday, July 25, 2019 3:05 PM
To: Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>
Cc: James R. Marsh <jamesmarsh@marsh.law>; Sunga, Maria (USACAN) <msunga@usa.doj.gov>; Deborah Bianco <deb@debbiancolaw.com>; Lesley Roberts <lesley@debbiancolaw.com>; Carol Hepburn <carol@hepburnlaw.net>
Subject: Re: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession

Ms. Kotiya: This email is to follow up regarding having the evidence transferred to the court as an option under 18 USC 3509(M)(3). Please advise us. Michelle

Michelle D. Sparks, Paralegal
Carol L. Hepburn, P.S.
200 First Avenue West
Suite 550

Carol Hepburn
Seattle, WA 98119
206-957-7272
206-957-7273 fax

michelle@hepburnlaw.net

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On Jul 9, 2019, at 3:00 PM, Carol Hepburn <carol@hepburnlaw.net> wrote:

Shailika

Thanks very much. I will tickle this for next week to check back with you if we have not heard.

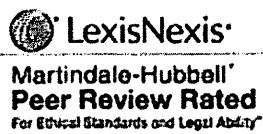
Best,

Carol

CAROL L. HEPBURN
CAROL L. HEPBURN, P.S.
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SEATTLE, WA 98119
(206)957-
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From: James R. Marsh jamesmarsh@marsh.law
Subject: RE: disclosure of victim identities. US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession
Date: July 30, 2019 at 1:06 PM
To: Carol Hepburn carol@hepburnlaw.net, Kotiya, Shailika (USACAN) Shailika.Kotiya@usdoj.gov
Cc: Michelle D. Sparks michelle@hepburnlaw.net, Sunga, Maria (USACAN) Maria.Sunga@usdoj.gov, Debbie Bianco deb@debbiancolaw.com, Lesley Roberts lesley@debbiancolaw.com, John A. Kawai Jk@czrlaw.com

What??!! This was specifically discussed with the government and defense counsel and specifically rejected by both. I have a record of these discussions and it would be shocking and unethical if there was an end run around the victims here. Please clarify immediately. This is outrageous and unprecedented.

James R. Marsh
Marsh Law Firm PLLC
Direct Dial 929-232-3235 & Signal Messenger
Skype for Business jamesmarsh@marsh.law

From: Carol Hepburn <carol@hepburnlaw.net>
Sent: Tuesday, July 30, 2019 3:49 PM
To: Kotiya, Shailika (USACAN) <Shailika.Kotiya@usdoj.gov>
Cc: Michelle D. Sparks <michelle@hepburnlaw.net>; James R. Marsh <jamesmarsh@marsh.law>; Sunga, Maria (USACAN) <Maria.Sunga@usdoj.gov>; Debbie Bianco <deb@debbiancolaw.com>; Lesley Roberts <lesley@debbiancolaw.com>; John A. Kawai <Jk@czrlaw.com>
Subject: Re: disclosure of victim identities. US v. Randall Steven Curtis NDCA#16-cr-510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession

Shailika

Thanks for this. Let us consider this and get back to you.

In the meantime we have another issue that just arose this morning. None of us realized until advised by Curtises defense lawyer in the civil matter that the government has been ordered by the court to disclose the victims legal names to criminal defense counsel. This is most concerning for us. As we consider this we would appreciate if you were providing us copies of whatever was given to criminal defense counsel in compliance with this order. For your convenience it was entered June 25, 2018. I can provide a copy via separate email.

Carol

Carol L. Hepburn
Carol L. Hepburn, P.S.
200 First Ave. W. Suite 550
Seattle, WA 98119

(206) 957-7272 (office)
(206) 498-8668 (mobile)
(206) 957-7273 (fax)

From: "Garcia, Julie (USACAN)" <Julie.Garcia@usdoj.gov>
Subject: RE: Randall Curtis - restitution issues
Date: July 6, 2018 at 3:19:35 PM PDT
To: Carol Hepburn <carol@hepburnlaw.net>
Cc: "James R. Marsh" <jamesmarsh@marsh.law>, Debbie Bianco <deb@debbiancolaw.com>, "Kotiya, Shailika (USACAN)" <Shailika.Kotiya@usdoj.gov>

Hi Carol,

The statement in the stipulation about the government conferring with the case agents on the underlying cases does not refer to me or Shailika but to the U.S. government more broadly and the process by which DOJ, working with NCMEC, confirms that certain images belong to certain series and then confirms the true identities of the victims in the underlying cases. So in this case Shailika and I did not speak directly with the series points-of-contact or have them review these particular images. Essentially, we included that language in the stipulation because the defense asked whether the government had ever done any vetting to determine whether, e.g., you truly represented the individuals pictured in the Jan_Socks series.

The case agent on Mr. Curtis's case is Jerry Kawal, who is with HSI. He is the individual with personal knowledge of which particular image files were found on Mr. Curtis's devices, and he also reviewed all the images to determine which victims were pictured in which images.

Hope that helps,
Julie

Julie D. Garcia
Tel: (415) 436-6758 | Fax: (415) 436-7234
Julie.Garcia@usdoj.gov

From: Carol Hepburn <carol@hepburnlaw.net>
Sent: Friday, July 6, 2018 2:57 PM
To: Garcia, Julie (USACAN) <jgarcia3@usa.doj.gov>
Cc: James R. Marsh <jamesmarsh@marsh.law>; Debbie Bianco <deb@debbiancolaw.com>; Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>
Subject: Re: Randall Curtis - restitution issues

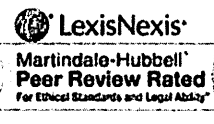
Thanks much Julie. Could you please advise for our files who the agent is who confirmed the victims' identities and what agency he or she is with?

Thanks Carol

LILY. 000604

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Each time a person stands up for an ideal,
or acts to improve the lot of others...
he sends forth a tiny ripple of hope,
and crossing each other from a million different centers of energy and daring,
those ripples build a current that can sweep down the mightiest walls of oppression and resistance.
Robert F. Kennedy (1925 - 1968)



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From: "Garcia, Julie (USACAN)" <Julie.Garcia@usdoj.gov>
Date: Friday, July 6, 2018 at 2:36 PM
To: Carol Hepburn <carol@hepburnlaw.net>
Cc: "James R. Marsh" <jamesmarsh@marsh.law>, Debbie Bianco <deb@debbiancolaw.com>, "Kotiya, Shailika (USACAN)" <Shailika.Kotiya@usdoj.gov>
Subject: RE: Randall Curtis - restitution issues

Hi all,

Here is the stipulation we just filed.

Thanks, and have a nice weekend.

Julie

Julie D. Garcia
Tel: (415) 436-6758 | Fax: (415) 436-7234
Julie.Garcia@usdoj.gov

From: Garcia, Julie (USACAN)
Sent: Friday, July 6, 2018 1:17 PM
To: 'Carol Hepburn' <carol@hepburnlaw.net>
Cc: 'James R. Marsh' <jamesmarsh@marsh.law>; 'Debbie Bianco' <deb@debbiancolaw.com>; Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>
Subject: RE: Randall Curtis - restitution issues

Hi Ms. Hepburn, Ms. Bianco, and Mr. Marsh:

We are happy to report that Curtis's counsel has agreed not to pursue disclosure of the victims' true identities and has agreed to pay the amounts of restitution the government has requested on behalf of each of your clients based on the *Paroline* factors. Because the government refused to disclose the victims' true identities, the defendant is not willing to stipulate that any of them is a statutory victim, but he will not object to the Court ordering him to pay what we believe is an appropriate amount of restitution. Under the terms of this settlement of the restitution claims, there will be no finding one way or the other that would affect a future civil claim against the defendant. We believe that this outcome achieves the goal of obtaining an appropriate amount of restitution for each victim while avoiding further litigation that could result in the Court ordering us to reveal the victims' true identities.

We intend to file a stipulation on this issue later today. I will send it to you once it is entered.

Thanks,
Julie & Shailika

Julie D. Garcia

Tel: (415) 436-6758 | Fax: (415) 436-7234

Julie.Garcia@usdoj.gov

From: Garcia, Julie (USACAN)

Sent: Friday, June 29, 2018 4:00 PM

To: Carol Hepburn <carol@hepburnlaw.net>

Cc: James R. Marsh <jamesmarsh@marsh.law>; Debbie Bianco <deb@debbiancolaw.com>; Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>

Subject: RE: Randall Curtis - restitution issues

Hi Ms. Hepburn, Ms. Bianco, and Mr. Marsh:

I wanted to update you on the Randall Curtis case. Upon further consideration of the terms of Mr. Curtis's plea agreement, the government has decided to take the position that Mr. Curtis waived any right to more discovery in this case and that, in light of that waiver and the victims' statutory rights to privacy, we will not disclose the victims' true identities. We informed the defense of our position this afternoon. We anticipate that Mr. Balogh will file a motion to compel us to disclose this information but believe that our waiver argument is likely to succeed with the judge. We will keep you posted.

Thanks, and have a nice weekend.

Julie

Julie D. Garcia

Tel: (415) 436-6758 | Fax: (415) 436-7234

Julie.Garcia@usdoj.gov

From: Garcia, Julie (USACAN)

Sent: Monday, June 25, 2018 5:43 PM

To: Carol Hepburn <carol@hepburnlaw.net>

Cc: James R. Marsh <jamesmarsh@marsh.law>; Debbie Bianco <deb@debbiancolaw.com>; Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>

Subject: Re: Randall Curtis - restitution issues

Thank you. We'll do 4:00, then. Talk to you all then.

Julie

Julie D. Garcia

Assistant United States Attorney

Northern District of California

(415) 436-6758

Julie.Garcia@usdoj.gov

On Jun 25, 2018, at 5:39 PM, Carol Hepburn <carol@hepburnlaw.net> wrote:

4 is fine with me too

CAROL L. HEPBURN
CAROL L. HEPBURN, P.S.
200 FIRST AVE WEST, SUITE 550
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(206)957-7273 FAX

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Each time a person stands up for an ideal,
or acts to improve the lot of others...
he sends forth a tiny ripple of hope,
and crossing each other from a million different centers of energy and daring,
those ripples build a current that can sweep down the mightiest walls of oppression and

resistance.

Robert F. Kennedy (1925 - 1968)

<image001.jpg><image002.png><image003.jpg>

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From: "James R. Marsh" <jamesmarsh@marsh.law>
Date: Monday, June 25, 2018 at 5:25 PM
To: "Garcia, Julie (USACAN)" <Julie.Garcia@usdoj.gov>, Debbie Bianco <deb@debbiancolaw.com>
Cc: Carol Hepburn <carol@hepburnlaw.net>, "Kotiya, Shailika (USACAN)" <Shailika.Kotiya@usdoj.gov>
Subject: RE: Randall Curtis - restitution issues

I will be here until midnight EST. any time is good for me. Thanks.

James R. Marsh
Marsh Law Firm PLLC
Direct Dial **929-232-3235** & **Signal Messenger**
Skype for Business jamesmarsh@marsh.law

From: Garcia, Julie (USACAN) <Julie.Garcia@usdoj.gov>
Sent: Monday, June 25, 2018 8:20 PM
To: Debbie Bianco <deb@debbiancolaw.com>
Cc: Carol L. Hepburn <carol@hepburnlaw.net>; James R. Marsh <jamesmarsh@marsh.law>; Kotiya, Shailika (USACAN) <Shailika.Kotiya@usdoj.gov>
Subject: RE: Randall Curtis - restitution issues

My sincere apologies: I forgot that another meeting had been moved to 3:00 tomorrow, so could we do the call at **4:00 pm Pacific** instead? I could also do 2:00 Pacific if 4:00 is too late for James on the East Coast.

Julie

Julie D. Garcia
Tel: (415) 436-6758 | Fax: (415) 436-7234
Julie.Garcia@usdoj.gov

From: Garcia, Julie (USACAN)
Sent: Monday, June 25, 2018 5:09 PM
To: 'Deborah Bianco' <deb@debbiancolaw.com>
Cc: Carol Hepburn <carol@hepburnlaw.net>; James R. Marsh <jamesmarsh@marsh.law>; Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>
Subject: RE: Randall Curtis - restitution issues

Thank you all. Please use this conference call number tomorrow at **3:00 pm Pacific time**:

Dial-in: 844-862-8427
Conference ID: 655387

Talk to you then.

Julie

Julie D. Garcia
Tel: (415) 436-6758 | Fax: (415) 436-7234
Julie.Garcia@usdoj.gov

From: Deborah Bianco <deb@debbiancolaw.com>
Sent: Monday, June 25, 2018 5:07 PM
To: Garcia, Julie (USACAN) <jgarcia3@usa.doj.gov>
Cc: Carol Hepburn <carol@hepburnlaw.net>; James R. Marsh <jamesmarsh@marsh.law>;
Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>
Subject: Re: Randall Curtis - restitution issues

I will be available on my cell phone at 3 p.m.

Feel free to call: 206-794-4884.

Deb
Deborah Bianco
Deborah A. Bianco P.S.
14535 Bellevue-Redmond Rd.
Suite 201
Bellevue, WA 98007
Phone: 425-747-4500
Facsimile: 425-747-8400
deb@debbiancolaw.com

On Jun 25, 2018, at 4:46 PM, Garcia, Julie (USACAN) <Julie.Garcia@usdoj.gov>
wrote:

Hi Carol (and Deb and James):

We'd be happy to discuss this with you further. Could we set up a phone call for tomorrow afternoon? Would 3:00 pm work for you all? If so, I will send around dial-in information for the call. It would be great if all three of you could be on the phone at the same time so we can all be on the same page.

Thanks very much,
Julie

Julie D. Garcia
Tel: (415) 436-6758 | Fax: (415) 436-7234
Julie.Garcia@usdoj.gov

From: Carol Hepburn <carol@hepburnlaw.net>
Sent: Monday, June 25, 2018 4:26 PM
To: Garcia, Julie (USACAN) <jgarcia3@usa.doj.gov>
Cc: Debbie Bianco <deb@debbiancolaw.com>; James R. Marsh <jamesmarsh@marsh.law>; Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>
Subject: Re: Randall Curtis - restitution issues

Julie

I continue to puzzle over this. I started my legal life as a prosecutor. Brady material was always exculpatory material. What is exculpatory about a victim's name. This is a request for the government to give the defendant a fishing pole so they can go on a fishing expedition. I believe our right to confer should allow us to see the reasoning that convinces the government that it should put the clients in jeopardy as the price for their right to request restitution.

I don't mean to try and "shoot the messenger" here. I would prefer addressing my concerns to whoever the decision maker is in main Justice.

Carol

CAROL L. HEPBURN
CAROL L. HEPBURN, P.S.

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(206)957-7273 FAX

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Each time a person stands up for an ideal,
or acts to improve the lot of others...
he sends forth a tiny ripple of hope,
and crossing each other from a million different centers of energy and daring,
those ripples build a current that can sweep down the mightiest walls of
oppression and resistance.

Robert F. Kennedy (1925 - 1968)

<image001.jpg><image002.png><image003.jpg>

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HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY US
IMMEDIATELY BY TELEPHONE AND DELETE THIS TRANSMISSION. THANK
YOU.

From: "Garcia, Julie (USACAN)" <Julie.Garcia@usdoj.gov>
Date: Monday, June 25, 2018 at 3:38 PM
To: Carol Hepburn <carol@hepburnlaw.net>
Cc: Debbie Bianco <deb@debbiancolaw.com>, "James R. Marsh"
<jamesmarsh@marsh.law>, "Kotiya, Shailika (USACAN)"
<Shailika.Kotiya@usdoj.gov>
Subject: RE: Randall Curtis - restitution issues

Thank you for letting us know, Carol. We will not disclose your clients' names. If you
change your mind prior to Friday, please let us know so we can include your clients'
restitution requests in our briefing.

Julie

Julie D. Garcia
Tel: (415) 436-6758 | Fax: (415) 436-7234
Julie.Garcia@usdoj.gov

From: Carol Hepburn <carol@hepburnlaw.net>
Sent: Monday, June 25, 2018 3:35 PM
To: Garcia, Julie (USACAN) <jgarcia3@usa.doj.gov>
Cc: Debbie Bianco <deb@debbiancolaw.com>; James R. Marsh
<jamesmarsh@marsh.law>; Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>
Subject: Re: Randall Curtis - restitution issues

I cannot agree at this time and must oppose disclosure of their legal names.

On Jun 25, 2018, at 9:12 AM, Garcia, Julie (USACAN)
<Julie.Garcia@usdoj.gov> wrote:

Hi Ms. Hepburn, Ms. Bianco, and Mr. Marsh,

I'm attaching here the version of the Protective Order to which the parties
have agreed. The only substantive changes are to paragraphs 5-7.
Please let us know at your earliest convenience whether we have
permission to disclose your clients' names under these conditions or
whether any of them prefers to withdraw her restitution request. We
believe that this PO appropriately balances the victims' privacy rights with

the government's disclosure obligations, but we certainly recognize that this may be a difficult decision for your clients. We have to prepare a draft of our restitution briefing for internal review by this Friday, so we'd appreciate hearing one way or the other by **Wednesday** if possible.

Please don't hesitate to call with any questions.

Thanks very much,
Julie

Julie D. Garcia
Tel: (415) 436-6758 | Fax: (415) 436-7234
Julie.Garcia@usdoj.gov

From: Garcia, Julie (USACAN)
Sent: Tuesday, June 19, 2018 5:22 PM
To: 'Carol Hepburn' <carol@hepburnlaw.net>
Cc: Debbie Bianco <deb@debbiancolaw.com>; James R. Marsh <jamesmarsh@marsh.law>; Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>
Subject: RE: Randall Curtis - restitution issues

Thanks for letting me know, Carol. We will not disclose any information without your consent and will wait to hear from you.

Julie

Julie D. Garcia
Tel: (415) 436-6758 | Fax: (415) 436-7234
Julie.Garcia@usdoj.gov

From: Carol Hepburn <carol@hepburnlaw.net>
Sent: Tuesday, June 19, 2018 4:38 PM
To: Garcia, Julie (USACAN) <jgarcia3@usa.doj.gov>
Cc: Debbie Bianco <deb@debbiancolaw.com>; James R. Marsh <jamesmarsh@marsh.law>; Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>
Subject: Re: Randall Curtis - restitution issues

Hello Julie

James Marsh contacted me to advise that he is on a deadline working on an injunctive relief issue which requires a filing within 72 hours I believe and someone is leaving the country. So we won't be able to get back to you before he gets that done. Just wanted to give you that heads up.

Carol

On Jun 19, 2018, at 3:26 PM, Garcia, Julie (USACAN) <Julie.Garcia@usdoj.gov> wrote:

Hi Ms. Hepburn,

Following up on our call moments ago, here is the protective order that we intend to propose to the defense. Please take a look, discuss it with your clients, and let us know at your earliest convenience whether we have your approval to disclose their names under these conditions. As I said, please also feel free to give me a call back to discuss any questions or concerns you may have.

Thanks very much,
Julie

Julie D. Garcia
Tel: (415) 436-6758 | Fax: (415) 436-7234
Julie.Garcia@usdoj.gov

From: Garcia, Julie (USACAN)
Sent: Tuesday, June 19, 2018 2:42 PM
To: 'Carol Hepburn' <carol@hepburnlaw.net>; Debbie Bianco
<deb@debbiancolaw.com>; James R. Marsh
<jamesmarsh@marsh.law>
Cc: Kotiya, Shallika (USACAN) <skotiya@usa.doj.gov>
Subject: Randall Curtis - restitution issues

Dear Ms. Hepburn, Mr. Marsh, and Mr. Bianco,

When you have a moment, please give me a call so I can fill you in on some discovery issues relating to the Randall Curtis matter and your clients' restitution requests.

Thanks very much,
Julie

Julie D. Garcia
Assistant U.S. Attorney
Northern District of California
450 Golden Gate Ave., | San Francisco, CA 94102
Tel: (415) 436-6758 | Fax: (415) 436-7234
Julie.Garcia@usdoj.gov

<2018-06-19 Stipulated AEO Protective Order for Victim Information.docx>

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<image001.jpg>

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<Dkt. 83 - Stip and proposed AEO protective order.pdf>

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From: Carol Hepburn carol@hepburnlaw.net
Subject: Re: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession
Date: August 2, 2019 at 10:44 PM
To: Kotiya, Shailika (USACAN) Shailika.Kotiya@usdoj.gov
Cc: Michelle Sparks michelle@hepburnlaw.net, James R. Marsh jamesmarsh@marsh.law, Sunga, Maria (USACAN) Maria.Sunga@usdoj.gov, Deborah Bianco deb@debbiancolaw.com, Lesley Roberts lesley@debbiancolaw.com



Thank you Shailika. We appreciate your assistance. If Possible, viewing the evidence at the HSI office in or near Fairfax VA would be a help.

Best

Carol

Carol L. Hepburn
Carol L. Hepburn, P.S.
200 First Ave. W. Suite 550
Seattle, WA 98119

(206) 957-7272 (office)
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On Jul 26, 2019, at 2:13 PM, Kotiya, Shailika (USACAN) <Shailika.Kotiya@usdoj.gov> wrote:

Hi Michelle,

I've reached out to EOUSA and CEOS. I've only spoken with CEOS at this time.

Making these materials available at HSI for the victims is making it reasonably available within the meaning of the statute. The request to send this to the Court is further complicated here because the district court case is not active – the defendant has already been sentenced. Meaning, we would have to ask the Clerk's office to house contraband. In my experience, it has been difficult to get CP/contraband to the Court even in an active case where the enhancements related to the images were in dispute.

I can't see a situation where my offer to make these items available at the law enforcement agency, and the offer to look into making it available at HSI offices closer to your geographic locations, does not comply with the statute.

Please let me know if you would like the evidence made available at a different HSI location than San Francisco, and which office.

Best,

Shailika S. Kotiya
Assistant U.S. Attorney
Northern District of California
Tel: (415) 436-7443

From: Michelle Sparks <michelle@hepburnlaw.net>
Sent: Thursday, July 25, 2019 3:05 PM
To: Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>
Cc: James R. Marsh <jamesmarsh@marsh.law>; Sunga, Maria (USACAN) <msunga@usa.doj.gov>; Deborah Bianco <deb@debbiancolaw.com>; Lesley Roberts <lesley@debbiancolaw.com>; Carol Hepburn <carol@hepburnlaw.net>
Subject: Re: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession

Ms. Kotiya: This email is to follow up regarding having the evidence transferred to the court as an option under 18 USC 3509(M)(3). Please advise us. Michelle

Michelle D. Sparks, Paralegal
Carol L. Hepburn, P.S.
200 First Avenue West
Suite 550
Seattle, WA 98119
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michelle@hepburnlaw.net

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On Jul 9, 2019, at 3:00 PM, Carol Hepburn <carol@hepburnlaw.net> wrote:

Shailika

Thanks very much. I will tickle this for next week to check back with you if we have not heard.

Best,

Carol

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From: "Kotiya, Shailika (USACAN)" <Shailika.Kotiya@usdoj.gov>
Date: Tuesday, July 9, 2019 at 8:50 AM
To: "James R. Marsh" <jamesmarsh@marsh.law>
Cc: Carol Hepburn <carol@hepburnlaw.net>, Michelle Sparks <michelle@hepburnlaw.net>, "Sunga, Maria (USACAN)" <Maria.Sunga@usdoj.gov>, Debbie Bianco <deb@debbiancolaw.com>, Lesley Roberts <lesley@debbiancolaw.com>
Subject: Re: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession

James,

The images are reasonably available for inspection, viewing, and examination at a government facility - homeland security investigations offices here in San Francisco. I will look into whether it can be available at the Court but am skeptical for various reasons. As stated previously, I will look into your request to have to at a court instead of a government facility.

I think we are certainly in compliance with the law.

From: Carol Hepburn carol@hepburnlaw.net 
Subject: Re: Randall Curtis - restitution issues

Date: August 13, 2019 at 11:43 AM

To: Garcia, Julie (USACAN) Julie.Garcia@usdoj.gov, James R. Marsh jamesmarsh@marsh.law

Cc: French, Maureen (USACAN) Maureen.French@usdoj.gov, Vartain, Laura (USACAN) Laura.Vartain@usdoj.gov, Kotiya, Shailika (USACAN) Shailika.Kotiya@usdoj.gov, Deborah Bianco deb@debbiancolaw.com

Dear Julie

Thank you for the email below setting forth this chain of events. I would like to add to that a bit, but must first again express my distress at the tone of the phone call between you and James that I came in on in the middle of last week. I regret that communications had so degenerated when we all are pursuing the same interests on behalf of the victims though from somewhat different perspectives. I have felt that our respective efforts have in the past been supportive of this pursuit and our communications cordial and professional. I hope that they can be in the future. My delay in responding has been in part due to the distress that I have felt about this and my desire to treat these issues with care. (Just to be clear, I do not believe that I made any unfounded accusations against you, though I do understand that harsh words were exchanged before I got on the line.)

With regard to the timeline—

I believe you and I had a telephone call on June 19th as a result of you sending me an email suggesting we talk. Thereafter, you sent that same day a proposed (unfiled) protective order. I responded that James was on a 7 hour deadline relative to injunctive relief and a person leaving the country so we could not respond on the issue until he was past that. You responded that you would not disclose any information without our consent pending us getting back to you.

I don't believe you and I or you and James spoke again before your 6-25-18 email.

I acknowledge that you sent us the file stamped copy of the stipulation and protective order on 6-25-19. We perceived this communication to be that the government and the defense had agreed on this issue. There was an immediate concern (on our part) that the clients would be forced to choose between anonymity and their right to restitution. We particularly had concerns about the language "the government seeks to produce to the defense certain highly confidential discovery material relating to the claimants, including their true identities" contained in the second "WHEREAS" paragraph on page 2. This language signaled to us a desire on the part of the government to release this information, and colored our perception of the communications. (I, and we, now see that that language appears to be boilerplate as it is similar to language used in a stipulation and order entered in January 2018 (Docs 12 and 13) in this case.) It appeared to be a fait accompli and we, none of us, parsed the language so closely to see that the confidentiality provisions kicked in IF the information was disclosed. Additionally, we, none of us, focused on the file stamp at the top of the pleading.

Also, none of us received notice of the January 2018 stipulation and order. These do not seem to be events that trigger VNS notices and we did not have notice of a need to monitor the docket.

We on the victims' side do not have the time to monitor the docket of the multiple cases

we on the victims' side do not have the time to monitor the dockets of the multiple cases which the clients are involved. There are just too many. We don't get notices of the filings in the criminal cases like we do in civil cases where we are counsel of record. So we did not realize that the court had already signed off on the stipulation that was filed the same day.

When we spoke with you on the conference call the next day 6-26-18 we discussed the stipulation but there was no discussion of the court having signed the order. We did not receive notice of nor a copy of the signed order. And again we (James and Debbie and I) did not focus on the file stamp and did not realize it was filed—this in hindsight was certainly an error as it would have led to further discussion perhaps on the fine points of the language indicating that only IF the information were disclosed would the protections kick in.

Another regret about this exchange is that it appears that defense counsel, who has been obstreperous for us to deal with in the civil matter, has succeeded in an apparent attempt to drive a wedge between victims' counsel and counsel for the government. He misrepresented the nature of the stipulation, and led us to believe he had received disclosures of confidential information about our clients from the government pursuant to the orders entered in the criminal matter. And he is now taking the position in the civil matter that he cannot disclose the confidential information that he received from the government in the criminal case, nor will he even respond to a simple question as to whether he received any identifying information, or not. He alludes to, and led three of us (Debbie, and me and John Kawai, our local counsel) to believe, that he had received and was in possession of such information. We are coming to know Mr. Balogh, as you already do. We now realize that what he has been intimating is likely a distortion, at least, of the truth about what occurred between your office and him in the criminal matter. Your time line was very helpful to us, in putting his claims in perspective.

Mr. Balogh has now filed a discovery document with redactions where individuals with knowledge of the claims should be identified. (See attached.) He tells us that he has contacted or will contact your office concerning permission to disclose information to us. We have not been copied on any written communications, however. Previously he alluded to the victims having to work or argue this out with the government and he was not a part of that issue. With his filing this redacted document this matter will need to be the subject of a civil motion I believe and we will need to include your office, or somehow advise the court of the Government's position.

These defense tactics have apparently put a "wedge" between our team and you and your office. We do not want to have this wedge between us in this or any other case. Again, I regret the communications that have transpired in connection with both Curtis and Balogh, and wish to get back on even footing and mutually productive communications. We want to continue to have a good working relationship with you and your office going forward. We appreciate all the effort that you and Shailika and your staff put into this case against this child molester and pedophile, and the efforts that you make on behalf of victims, including our clients, in the many cases that your office prosecutes. Your reviewing CP images on the eve of delivery of your child had to be just awful. I'm so

sorry that you were subjected to that. I recall being in a contentious sentencing hearing days before my own delivery. This work is very demanding and difficult, and we all recognize that, which is why we feel that it is so important that we not let this dust-up impair our relationship, and our ability to collaborate on cases. We are supportive of your work, and we want to continue to communicate openly and freely with you and your office about the issues that affect our clients, and to know that you will continue to communicate with us in the same spirit.

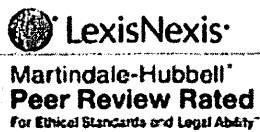
We appreciate your response. We appreciate the work that you do. Please accept our apology and understand that we meant no offense, and that we were merely attempting to protect our clients' interests, based on what (it now appears) was inaccurate information about disclosures about our clients to defense counsel.

Carol

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From: "Garcia, Julie (USACAN)" <Julie.Garcia@usdoj.gov>
Date: Wednesday, July 31, 2019 at 1:04 PM
To: "James R. Marsh" <jamesmarsh@marsh.law>, Carol Hepburn <carol@hepburnlaw.net>

Cc: "French, Maureen (USACAN)" <Maureen.French@usdoj.gov>, "Vartain, Laura (USACAN)" <Laura.Vartain@usdoj.gov>, "Kotiya, Shailika (USACAN)" <Shailika.Kotiya@usdoj.gov>
Subject: RE: Randall Curtis - restitution issues

James, Carol:

I write to follow up on our phone call yesterday. Here is what the emails and docket show:

- **June 19, 2018:** I asked you both (and Ms. Bianco) to review the AEO protective order that we were proposing in light of our office's conclusion (**with which CEOS agreed**) that we were obligated to turn over the victims' names. In a later email from that day, **I assured you that I would not disclose your clients' names without your consent.**
- **June 25, 2018:**
 - 9:13 am: I sent a **file-stamped copy of the AEO Protective Order** to which the parties had agreed, which said that we would produce the names of any victim who sought restitution under attorney's-eyes-only restrictions. I asked you to inform me "at your earliest convenience **whether we have permission** to disclose your clients' names under these conditions **or** whether any of them prefers to withdraw her restitution request."
 - 3:35 pm: Carol said she opposed the disclosure of the names.
 - 3:38 pm: I responded, "Thank you for letting us know, Carol. **We will not disclose your clients' names.** If you change your mind prior to Friday, please let us know so we can include your clients' restitution requests in our briefing." This email made clear that I would **not** disclose the names without your consent, although I would not present any restitution claim for that victim.
 - 4:26 pm: Carol asked for clarification.
 - 4:46 pm: I said I would be "happy to discuss this with you further" and proposed a conference call for the following afternoon.
 - Later the same day, the Judge entered the stipulation. The order—which was identical to the stipulation I sent you earlier that day--did not **require** us to turn over any names; it merely set forth the restrictions **on the defense** if we disclosed such information.
- **June 26, 2018:** We had the conference call on which I explained to you the status of the case, including **the fact that we had entered the stipulation about disclosing the victims' names** under the AEO protective order **if they intended to pursue restitution.** I recall that you said you all would file a motion opposing the disclosure of the names, which I agreed you were free to do. I also recall reiterating that I would not disclose any of the names without your permission (in other words, if I did not have permission as of the time that I filed the sentencing memo, I would not include their request).
- I don't believe I heard from you in the interim. You did not file any motion opposing the disclosure of the names. **I proceeded on the assumption that I would not disclose the names under the PO because I did not have**

permission.

- **June 29, 2018:** I wrote to “update you on the Randall Curtis case,” explaining that, “[u]pon further consideration of the terms of Mr. Curtis’s plea agreement, the government has decided to take the position that Mr. Curtis waived any right to more discovery in this case and that, **in light of that waiver and the victims’ statutory rights to privacy, we will not disclose the victims’ true identities.**” I was explaining to you in this email that we now intended to reverse positions and to **fight** the request for the names based on our interpretation of the defendant’s plea agreement. We were willing to take this position **despite** the stipulation we had previously entered, and which (as noted) I had sent to you on the day it was filed. I continued: “We anticipate that Mr. Balogh will file a motion to compel us to disclose this information but believe that our waiver argument is likely to succeed with the judge. We will keep you posted.”
- **July 6, 2018 (attached):**
 - 1:17 pm: I emailed you—after several additional meet-and-confers with defense counsel--and said: “**We are happy to report that Curtis’s counsel has agreed not to pursue disclosure of the victims’ true identities** and has agreed to pay the amounts of restitution the government has requested on behalf of each of your clients based on the *Paroline* factors. **Because the government refused to disclose the victims’ true identities**, the defendant is not willing to stipulate that any of them is a statutory victim, but he will not object to the Court ordering him to pay what we believe is an appropriate amount of restitution. Under the terms of this settlement of the restitution claims, there will be no finding one way or the other that would affect a future civil claim against the defendant. We believe that this outcome achieves the goal of obtaining an appropriate amount of restitution for each victim while avoiding further litigation that could result in the Court ordering us to reveal the victims’ true identities. **We intend to file a stipulation on this issue later today. I will send it to you once it is entered.**”
 - 2:37 pm: I emailed you the stipulation that explained that we had not disclosed the names and had instead reached agreement, saying, “**Here is the stipulation we just filed.**”
 - We later had a call on which you thanked me for achieving this result.

I also want to point out that the AEO protective order—under which we did not end up disclosing anything, as I made clear in our correspondence—plainly applied only to the criminal case, not to any future civil case.

A brief review of these emails and the docket, which is publicly available and easily accessible to you, would have made all of this clear.

Shailika and I put an incredible amount of time and effort into this case and into advocating for your clients. This was a production case involving a minor victim from Cambodia. It required us to investigate a crime that happened a world away and coordinate with Cambodian authorities to help the production victim. I personally--and while days away from giving birth--spent hours at HSI painstakingly reviewing hundreds of CP images of the victims (including your clients) and cataloging exactly

what each image showed (including by doing my best to do a visual identification of your clients based on photos from you) so that I could effectively advocate for restitution for them given defense counsel who were fighting us on every single image. We also made clear throughout the process that you were free to move the Court for relief if you disagreed with the government's view of its obligations or litigation approach.

In the future, please verify the facts before making unfounded accusations.

Julie

Julie D. Garcia

Tel: (415) 436-6758

Julie.Garcia@usdoj.gov

From: James R. Marsh <jamesmarsh@marsh.law>
Sent: Tuesday, July 30, 2019 2:55 PM
To: Garcia, Julie (USACAN) <jgarcia3@usa.doj.gov>
Subject: FW: Randall Curtis - restitution issues

From: James R. Marsh
Sent: Tuesday, July 30, 2019 5:16 PM
To: Carol Hepburn <carol@hepburnlaw.net>
Subject: FW: Randall Curtis - restitution issues

From: Garcia, Julie (USACAN) <Julie.Garcia@usdoj.gov>
Sent: Friday, June 29, 2018 7:00 PM
To: Carol L. Hepburn <carol@hepburnlaw.net>
Cc: James R. Marsh <jamesmarsh@marsh.law>; Debbie Bianco <deb@debbiancolaw.com>; Kotiya, Shailika (USACAN) <Shailika.Kotiya@usdoj.gov>
Subject: RE: Randall Curtis - restitution issues

Hi Ms. Hepburn, Ms. Bianco, and Mr. Marsh:

I wanted to update you on the Randall Curtis case. Upon further consideration of the terms of Mr. Curtis's plea agreement, the government has decided to take the position that Mr. Curtis waived any right to more discovery in this case and that, in light of that waiver and the victims' statutory rights to privacy, we will not disclose the victims' true identities. We informed the defense of our position this afternoon. We anticipate that Mr. Balogh will file a motion to compel us to disclose this information but believe that our waiver argument is likely to succeed with the judge. We will keep you posted.

Thanks, and have a nice weekend.

Julie

Julie D. Garcia

Tel: (415) 436-6758 | Fax: (415) 436-7234

Julie.Garcia@usdoj.gov

From: Garcia, Julie (USACAN)

Sent: Monday, June 25, 2018 5:43 PM

To: Carol Hepburn <carol@hepburnlaw.net>

Cc: James R. Marsh <jamesmarsh@marsh.law>; Debbie Bianco
<deb@debbiancolaw.com>; Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>

Subject: Re: Randall Curtis - restitution issues

Thank you. We'll do 4:00, then. Talk to you all then.

Julie

Julie D. Garcia

Assistant United States Attorney

Northern District of California

(415) 436-6758

Julie.Garcia@usdoj.gov

On Jun 25, 2018, at 5:39 PM, Carol Hepburn <carol@hepburnlaw.net> wrote:

4 is fine with me too

CAROL L. HEPBURN
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**Each time a person stands up for an ideal,
or acts to improve the lot of others...
he sends forth a tiny ripple of hope,
and crossing each other from a million different centers of energy
and daring,
those ripples build a current that can sweep down the mightiest walls
of oppression and resistance.**

Robert F. Kennedy (1925 - 1968)

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From: "James R. Marsh" <jamesmarsh@marsh.law>
Date: Monday, June 25, 2018 at 5:25 PM
To: "Garcia, Julie (USACAN)" <Julie.Garcia@usdoj.gov>, Debbie Bianco <deb@debbiancolaw.com>
Cc: Carol Hepburn <carol@hepburnlaw.net>, "Kotiya, Shailika (USACAN)" <Shailika.Kotiya@usdoj.gov>
Subject: RE: Randall Curtis - restitution issues

I will be here until midnight EST, any time is good for me. Thanks.

James R. Marsh
Marsh Law Firm PLLC
Direct Dial 929-232-3235 & Signal Messenger
Skype for Business jamesmarsh@marsh.law

From: Garcia, Julie (USACAN) <Julie.Garcia@usdoj.gov>
Sent: Monday, June 25, 2018 8:20 PM
To: Debbie Bianco <deb@debbiancolaw.com>
Cc: Carol L. Hepburn <carol@hepburnlaw.net>; James R. Marsh <jamesmarsh@marsh.law>; Kotiya, Shailika (USACAN) <Shailika.Kotiya@usdoj.gov>
Subject: RE: Randall Curtis - restitution issues

My sincere apologies: I forgot that another meeting had been moved to 3:00 tomorrow, so could we do the call at **4:00 pm Pacific** instead? I could also do 2:00 Pacific if 4:00 is too late for James on the East Coast.

Julie

Julie D. Garcia
Tel: (415) 436-6758 | Fax: (415) 436-7234
Julie.Garcia@usdoj.gov

From: Garcia, Julie (USACAN)
Sent: Monday, June 25, 2018 5:09 PM
To: 'Deborah Bianco' <deb@debbiancolaw.com>
Cc: Carol Hepburn <carol@hepburnlaw.net>; James R. Marsh <jamesmarsh@marsh.law>; Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>
Subject: RE: Randall Curtis - restitution issues

Thank you all Please use this conference call number tomorrow at **3:00**

Thank you all. Please use the conference call number tomorrow at 3:00 pm Pacific time:

Dial-in: 844-862-8427
Conference ID: 655387

Talk to you then.

Julie

Julie D. Garcia

Tel: (415) 436-6758 | Fax: (415) 436-7234
Julie.Garcia@usdoj.gov

From: Deborah Bianco <deb@debbiancolaw.com>
Sent: Monday, June 25, 2018 5:07 PM
To: Garcia, Julie (USACAN) <jgarcia3@usa.doj.gov>
Cc: Carol Hepburn <carol@hepburnlaw.net>; James R. Marsh <jamesmarsh@marsh.law>; Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>
Subject: Re: Randall Curtis - restitution issues

I will be available on my cell phone at 3 p.m.

Feel free to call: 206-794-4884.

Deb
Deborah Bianco
Deborah A. Bianco P.S.
14535 Bellevue-Redmond Rd.
Suite 201
Bellevue, WA 98007
Phone: 425-747-4500
Facsimile: 425-747-8400
deb@debbiancolaw.com

On Jun 25, 2018, at 4:46 PM, Garcia, Julie (USACAN) <Julie.Garcia@usdoj.gov> wrote:

Hi Carol (and Deb and James):

We'd be happy to discuss this with you further. Could we set up a phone call for tomorrow afternoon? Would **3:00 pm** work for you all? If so, I will send around dial-in information for the call. It would be great if all three of you could be on the phone at the same time so we can all be on the same page.

Thanks very much

Thank you very much,
Julie

Julie D. Garcia

Tel: (415) 436-6758 | Fax: (415) 436-7234

Julie.Garcia@usdoj.gov

From: Carol Hepburn <carol@hepburnlaw.net>

Sent: Monday, June 25, 2018 4:26 PM

To: Garcia, Julie (USACAN) <jgarcia3@usa.doj.gov>

Cc: Debbie Bianco <deb@debbiancolaw.com>; James R. Marsh <jamesmarsh@marsh.law>; Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>

Subject: Re: Randall Curtis - restitution issues

Julie

I continue to puzzle over this. I started my legal life as a prosecutor. Brady material was always exculpatory material. What is exculpatory about a victim's name. This is a request for the government to give the defendant a fishing pole so they can go on a fishing expedition. I believe our right to confer should allow us to see the reasoning that convinces the government that it should put the clients in jeopardy as the price for their right to request restitution.

I don't mean to try and "shoot the messenger" here. I would prefer addressing my concerns to whoever the decision maker is in main Justice.

Carol

CAROL L. HEPBURN
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**Each time a person stands up for an ideal,
or acts to improve the lot of others...
he sends forth a tiny ripple of hope,
and crossing each other from a million different centers of
energy and daring,
those ripples build a current that can sweep down the
mightiest walls of oppression and resistance.
Robert F. Kennedy (1925 - 1968)**

<image001.jpg><image002.png><image003.jpg>

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From: "Garcia, Julie (USACAN)" <Julie.Garcia@usdoj.gov>
Date: Monday, June 25, 2018 at 3:38 PM
To: Carol Hepburn <carol@hepburnlaw.net>
Cc: Debbie Bianco <deb@debbiancolaw.com>, "James R. Marsh" <jamesmarsh@marsh.law>, "Kotiya, Shailika (USACAN)" <Shailika.Kotiya@usdoj.gov>
Subject: RE: Randall Curtis - restitution issues

Thank you for letting us know, Carol. We will not disclose your clients' names. If you change your mind prior to Friday, please let us know so we can include your clients' restitution requests in our briefing.

Julie

Julie D. Garcia
Tel: (415) 436-6758 | Fax: (415) 436-7234
Julie.Garcia@usdoj.gov

From: Carol Hepburn <carol@hepburnlaw.net>
Sent: Monday, June 25, 2018 3:35 PM
To: Garcia, Julie (USACAN) <jgarcia3@usa.doj.gov>
Cc: Debbie Bianco <deb@debbiancolaw.com>; James R. Marsh <jamesmarsh@marsh.law>; Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>
Subject: Re: Randall Curtis - restitution issues

I cannot agree at this time and must oppose disclosure of their legal names.

On Jun 25, 2018, at 9:12 AM, Garcia, Julie (USACAN) <Julie.Garcia@usdoj.gov> wrote:

Hi Ms. Hepburn, Ms. Bianco, and Mr. Marsh,

I'm attaching here the version of the Protective Order to which the parties have agreed. The only substantive changes are to paragraphs 5-7. Please let us know at your earliest convenience whether we have permission to disclose your clients' names under these conditions or whether any of them prefers to withdraw her restitution request. We believe that this PO appropriately balances the victims' privacy rights with the government's disclosure obligations, but we certainly recognize that this may be a difficult decision for your clients. We have to prepare a draft of our restitution briefing for internal review by this Friday, so we'd appreciate hearing one way or the other by **Wednesday** if possible.

Please don't hesitate to call with any questions.

Thanks very much,
Julie

Julie D. Garcia

Tel: (415) 436-6758 | Fax: (415) 436-7234

Julie.Garcia@usdoj.gov

From: Garcia, Julie (USACAN)

Sent: Tuesday, June 19, 2018 5:22 PM

To: 'Carol Hepburn' <carol@hepburnlaw.net>

Cc: Debbie Bianco <deb@debbiancolaw.com>;

James R. Marsh <jamesmarsh@marsh.law>;

Kotiya, Shailika (USACAN)

<skotiya@usa.doj.gov>

Subject: RE: Randall Curtis - restitution issues

Thanks for letting me know, Carol. We will not disclose any information without your consent and will wait to hear from you.

Julie

Julie D. Garcia

Tel: (415) 436-6758 | Fax: (415) 436-7234

Julie.Garcia@usdoj.gov

From: Carol Hepburn <carol@hepburnlaw.net>

Sent: Tuesday, June 19, 2018 4:38 PM

To: Garcia, Julie (USACAN)

<jgarcia3@usa.doj.gov>

Cc: Debbie Bianco <deb@debbiancolaw.com>;

James R. Marsh <jamesmarsh@marsh.law>;
Kotiya, Shailika (USACAN)
<skotiya@usa.doj.gov>
Subject: Re: Randall Curtis - restitution issues

Hello Julie

James Marsh contacted me to advise that he is on a deadline working on an injunctive relief issue which requires a filing within 72 hours I believe and someone is leaving the country. So we won't be able to get back to you before he gets that done. Just wanted to give you that heads up.

Carol

On Jun 19, 2018, at 3:26 PM, Garcia,
Julie (USACAN)
<Julie.Garcia@usdoj.gov> wrote:

Hi Ms. Hepburn,

Following up on our call moments ago, here is the protective order that we intend to propose to the defense. Please take a look, discuss it with your clients, and let us know at your earliest convenience whether we have your approval to disclose their names under these conditions. As I said, please also feel free to give me a call back to discuss any questions or concerns you may have.

Thanks very much,
Julie

Julie D. Garcia
Tel: (415) 436-6758 | Fax: (415) 436-7234
Julie.Garcia@usdoj.gov

From: Garcia, Julie (USACAN)
Sent: Tuesday, June 19, 2018 2:42 PM
To: 'Carol Hepburn'
<carol@hepburnlaw.net>; Debbie Bianco <deb@debbiancolaw.com>;

James R. Marsh
<jamesmarsh@marsh.law>
Cc: Kotiya, Shailika (USACAN)
<skotiya@usa.doj.gov>
Subject: Randall Curtis - restitution
issues

Dear Ms. Hepburn, Mr. Marsh, and Mr.
Bianco:

When you have a moment, please
give me a call so I can fill you in on
some discovery issues relating to the
Randall Curtis matter and your clients'
restitution requests.

Thanks very much,
Julie

Julie D. Garcia
Assistant U.S. Attorney
Northern District of California
450 Golden Gate Ave. | San
Francisco, CA 94102
Tel: (415) 436-6758 | Fax: (415) 436-
7234
Julie.Garcia@usdoj.gov

<2018-06-19 Stipulated AEO Protective
Order for Victim Information.docx>

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<Dkt. 88 - Stip and proposed AEO protective
order.pdf>

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080719 Def
Rule 2...[2].pdf

From: Carol Hepburn carol@hepburnlaw.net
Subject: Re: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession
Date: August 21, 2019 at 3:55 PM
To: Kotiya, Shailika (USACAN) Shailika.Kotiya@usdoj.gov
Cc: Michelle Sparks michelle@hepburnlaw.net, Sunga, Maria (USACAN) Maria.Sunga@usdoj.gov, Deborah Bianco deb@debbiancolaw.com, Lesley Roberts lesley@debbiancolaw.com, John Kawai Jk@czrlaw.com



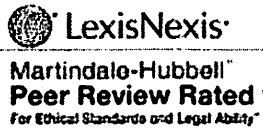
Hello Shailika

Just writing to you to follow up on our request to view these images in the Fairfax HSI office if possible. If not, or if it is a major hassle with many hoops to jump through we can take the laboring oar and bring our representative to your area. Please let us know. Thanks again for your assistance.

Carol

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From: Carol Hepburn <carol@hepburnlaw.net>
Date: Friday, August 2, 2019 at 10:44 PM
To: "Kotiya, Shailika (USACAN)" <Shailika.Kotiya@usdoj.gov>
Cc: Michelle Sparks <michelle@hepburnlaw.net>, "James R. Marsh" <jamesmarsh@marsh.law>, "Sunga, Maria (USACAN)" <Maria.Sunga@usdoj.gov>, Deborah Bianco <deb@debbiancolaw.com>, Lesley Roberts <lesley@debbiancolaw.com>
Subject: Re: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession

Thank you Shailika. We appreciate your assistance. If Possible, viewing the evidence at the HSI office in or near Fairfax VA would be a help.

Best

Carol

Carol L. Hepburn
Carol L. Hepburn, P.S.
200 First Ave. W. Suite 550
Seattle, WA 98119

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On Jul 26, 2019, at 2:13 PM, Kotiya, Shailika (USACAN) <Shailika.Kotiya@usdoj.gov> wrote:

Hi Michelle,

I've reached out to EOUSA and CEOS. I've only spoken with CEOS at this time.

Making these materials available at HSI for the victims is making it reasonably available within the meaning of the statute. The request to send this to the Court is further complicated here because the district court case is not active – the defendant has already been sentenced. Meaning, we would have to ask the Clerk's office to house contraband. In my experience, it has been difficult to get CP/contraband to the Court even in an active case where the enhancements related to the images were in dispute.

I can't see a situation where my offer to make these items available at the law enforcement agency, and the offer to look into making it available at HSI offices closer to your geographic locations, does not comply with the statute.

Please let me know if you would like the evidence made available at a different HSI location than San Francisco, and which office.

Best,

Shailika S. Kotiya
Assistant U.S. Attorney
Northern District of California
Tel: (415) 436-7443

From: Michelle Sparks <michelle@hepburnlaw.net>
Sent: Thursday, July 25, 2019 3:05 PM
To: Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>
Cc: James R. Marsh <jamesmarsh@marsh.law>; Sunga, Maria (USACAN) <msunga@usa.doj.gov>; Deborah Bianco <deb@debbiancolaw.com>; Lesley Roberts <lesley@debbiancolaw.com>; Carol Hepburn <carol@hepburnlaw.net>
Subject: Re: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession

Ms. Kotiya: This email is to follow up regarding having the evidence transferred to the court as an option under 18 USC 3509(M)(3). Please advise us. Michelle

Michelle D. Sparks, Paralegal
Carol L. Hepburn, P.S.
200 First Avenue West
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Seattle, WA 98119
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michelle@hepburnlaw.net

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On Jul 9, 2019, at 3:00 PM, Carol Hepburn
<carol@hepburnlaw.net> wrote:

Shailika

Thanks very much. I will tickle this for next week to check back with you if we have not heard.

Best,

Carol

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From: Kotiya, Shailika (USACAN) Shailika.Kotiya@usdoj.gov
Subject: RE: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession
Date: August 21, 2019 at 4:06 PM
To: Carol Hepburn carol@hepburnlaw.net
Cc: Michelle Sparks michelle@hepburnlaw.net, Sunga, Maria (USACAN) Maria.Sunga@usdoj.gov, Deborah Bianco deb@debbiancolaw.com, Lesley Roberts lesley@debbiancolaw.com, John Kawai Jk@czrlaw.com

Hi Carol,

I did reach out to HSI and they seemed to think it wouldn't be a problem. Last I heard, it was in process. I'll check in and get back to you on when that process should be complete.

Shailika S. Kotiya
Assistant U.S. Attorney
Northern District of California
Tel: (415) 436-7443

From: Carol Hepburn <carol@hepburnlaw.net>
Sent: Wednesday, August 21, 2019 3:56 PM
To: Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>
Cc: Michelle Sparks <michelle@hepburnlaw.net>; Sunga, Maria (USACAN) <msunga@usa.doj.gov>; Deborah Bianco <deb@debbiancolaw.com>; Lesley Roberts <lesley@debbiancolaw.com>; John Kawai <Jk@czrlaw.com>
Subject: Re: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession

Hello Shailika

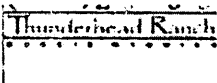
Just writing to you to follow up on our request to view these images in the Fairfax HSI office if possible. If not, or if it is a major hassle with many hoops to jump through we can take the laboring oar and bring our representative to your area. Please let us know. Thanks again for your assistance.

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From: Carol Hepburn <carol@hepburnlaw.net>

Date: Friday, August 2, 2019 at 10:44 PM

To: "Kotiya, Shailika (USACAN)" <Shailika.Kotiya@usdoj.gov>

Cc: Michelle Sparks <michelle@hepburnlaw.net>, "James R. Marsh"

<jamesmarsh@marsh.law>, "Sunga, Maria (USACAN)" <Maria.Sunga@usdoj.gov>,

Deborah Bianco <deb@debbiancolaw.com>, Lesley Roberts <lesley@debbiancolaw.com>

Subject: Re: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession

Thank you Shailika. We appreciate your assistance. If Possible, viewing the evidence at the HSI office in or near Fairfax VA would be a help.

Best

Carol

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From: Carol Hepburn carol@hepburnlaw.net
Subject: Re: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession
Date: August 26, 2019 at 5:43 AM
To: Kotiya, Shailika (USACAN) Shailika.Kotiya@usdoj.gov
Cc: Michelle Sparks michelle@hepburnlaw.net, Sunga, Maria (USACAN) Maria.Sunga@usdoj.gov, Debbie Bianco deb@debbiancolaw.com, Lesley Roberts lesley@debbiancolaw.com, John Kawai jk@czrlaw.com

Thanks very much!

On Aug 21, 2019, at 4:05 PM, Kotiya, Shailika (USACAN) <Shailika.Kotiya@usdoj.gov> wrote:

Hi Carol,

I did reach out to HSI and they seemed to think it wouldn't be a problem. Last I heard, it was in process. I'll check in and get back to you on when that process should be complete.

Shailika S. Kotiya
Assistant U.S. Attorney
Northern District of California
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Subject: Re: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession

Hello Shailika

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Cc: Michelle Sparks <michelle@hepburnlaw.net>, "James R. Marsh" <jamesmarsh@marsh.law>, "Sunga, Maria (USACAN)" <Maria.Sunga@usdoj.gov>, Deborah Bianco <deb@debbiancolaw.com>, Lesley Roberts <lesley@debbiancolaw.com>
Subject: Re: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession

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Please let me know if you would like the evidence made available at a different HSI location than San Francisco, and which office.

Best,

Shailika S. Kotiya
Assistant U.S. Attorney
Northern District of California
Tel: (415) 436-7443

From: Michelle Sparks <michelle@hepburnlaw.net>

Sent: Thursday, July 25, 2019 3:05 PM

To: Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>

Cc: James R. Marsh <jamesmarsh@marsh.law>; Sunga, Maria (USACAN) <msunga@usa.doj.gov>; Deborah Bianco <deb@debbiancolaw.com>; Lesley Roberts <lesley@debbiancolaw.com>; Carol Hepburn <carol@hepburnlaw.net>

Subject: Re: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of

Law Enforcement Agency in Possession

Ms. Kotiya: This email is to follow up regarding having the evidence transferred to the court as an option under 18 USC 3509(M)(3). Please advise us. Michelle

Michelle D. Sparks, Paralegal
Carol L. Hepburn, P.S.
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michelle@hepburnlaw.net

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On Jul 9, 2019, at 3:00 PM, Carol Hepburn <carol@hepburnlaw.net> wrote:

Shailika

Thanks very much. I will tickle this for next week to check back with you if we have not heard.

Best,

Carol

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From: "Kotiya, Shailika (USACAN)" <Shailika.Kotiya@usdoj.gov>
Date: Tuesday, July 9, 2019 at 8:50 AM
To: "James R. Marsh" <jamesmarsh@marsh.law>
Cc: Carol Hepburn <carol@hepburnlaw.net>, Michelle Sparks <michelle@hepburnlaw.net>, "Sunga, Maria (USACAN)" <Maria.Sunga@usdoj.gov>, Debbie Bianco <deb@debbiancolaw.com>, Lesley Roberts <lesley@debbiancolaw.com>
Subject: Re: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession

James,

The images are reasonably available for inspection, viewing, and examination at a government

facility - homeland security investigations offices here in San Francisco. I will look into whether it can be available at the Court but am skeptical for various reasons. As stated previously, I will look into your request to have to at a court instead of a government facility.

I think we are certainly in compliance with the law.

Sent from my iPhone

On Jul 8, 2019, at 7:50 PM, James R. Marsh <jamesmarsh@marsh.law> wrote:

The law is pretty clear on this, and the House Judiciary Committee insisted on adding this provision to the court:

"In any criminal proceeding, a victim, as defined under section 2259(c)(4), shall have reasonable access to any property or material that constitutes child pornography, as defined under section 2256(8), depicting the victim, for inspection, viewing, and examination at a Government facility or court."

Please check on DOJ's position on this and if necessary we will seek further legislative review of this provision and possible clarification by the AG. Thanks.

James

James R. Marsh
Marsh Law Firm PLLC
Direct Dial 929-232-3235 & Signal Messenger
Skype for Business jamesmarsh@marsh.law

From: Kotiya, Shailika (USACAN) <Shailika.Kotiya@usdoj.gov>
Sent: Monday, July 8, 2019 7:26 PM
To: Carol Hepburn <carol@hepburnlaw.net>
Cc: Michelle D. Sparks <michelle@hepburnlaw.net>; Sunga, Maria (USACAN) <Maria.Sunga@usdoj.gov>; Debbie Bianco <deb@debbiancolaw.com>; Lesley Roberts <lesley@debbiancolaw.com>; James R. Marsh <jamesmarsh@marsh.law>
Subject: Re: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession

I will look into this. Evidence may be released, but contraband may not. I do not believe we can release the images as you have requested.

Sent from my iPhone

On Jul 3, 2019, at 5:18 PM, Carol Hepburn <carol@hepburnlaw.net> wrote:

Hello Shailika

I'm following up on this with apologies for the gap in communications. I had some hospitalizations in my immediate family and was out of the office for a while. But we would like to have the evidence transferred to the court as is an option under 18 usc 3509(M)(3). I'm considering a motion in our civil case to that end but want to touch base with you first to see if that raises issues for the government. The end result we seek is to have the evidence available for use in our civil case and for our clients' representative to view their images and the court to be able to view the images if the defense requires us to go that far. Hoping to talk with you next week about this.

Thanks very much

Carol
206-498-8668.

CAROL L. HEPBURN
CAROL L. HEPBURN, P.S.
200 FIRST AVE WEST, SUITE 550
SEATTLE, WA 98140

SEATTLE, WA 98119
(206)957-7272
(206)957-7273 FAX

www.savagelawyer.com

<image001.jpg><image002.png><image003.jpg>

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From: "Kotiya, Shailika (USACAN)" <Shailika.Kotiya@usdoj.gov>
Date: Tuesday, February 19, 2019 at 3:48 PM
To: Michelle Sparks <michelle@hepburnlaw.net>, "Sunga, Maria (USACAN)" <Maria.Sunga@usdoj.gov>
Cc: Carol Hepburn <carol@hepburnlaw.net>, Deborah Bianco <deb@debbiancolaw.com>, "Lesley DebBiancolaw.com" <lesley@debbiancolaw.com>, "Katie M. Shipp" <katieshipp@marsh.law>
Subject: RE: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession

All,

Thanks. The evidence is house at the Homeland Security Investigations Lab at 630 Sansome Street, San Francisco, CA.

The best point of contact IF in the short term is HSI Special Agent Jerald Kawai, Jerald.Kawai@ice.dhs.gov. He is set to retire in the near future. If later, you can reach out to me and I will find a new representative for your coordinate your viewing through.

Best,

Shailika S. Kotiya
Assistant U.S. Attorney
Northern District of California
Tel: (415) 436-7443

From: Michelle Sparks <michelle@hepburnlaw.net>
Sent: Friday, February 15, 2019 9:13 AM
To: Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>; Sunga, Maria (USACAN) <msunga@usa.doj.gov>
Cc: Carol Hepburn <carol@hepburnlaw.net>; Deborah Bianco <deb@debbiancolaw.com>; Lesley DebBiancolaw.com <lesley@debbiancolaw.com>; Katie M. Shipp <katieshipp@marsh.law>
Subject: US v. Randall Steven Curtis NDCA#16-cr--510 - Request for Preservation of Evidence and ID of Law Enforcement Agency in Possession

Michelle D. Sparks, Paralegal
Carol L. Hepburn, P.S.
200 First Avenue West
Suite 550
Seattle, WA 98119
206-957-7272
206-957-7273 fax

michelle@hepburnlaw.net

~~mailto:clhepburn@savagelaw.com~~

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she/her
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From: Garcia, Julie (USACAN) Julie.Garcia@usdoj.gov

Subject: RE: "Amy," et al. v. Curtis

Date: September 23, 2019 at 8:40 AM

To: Carol Hepburn carol@hepburnlaw.net, Sunga, Maria (USACAN) Maria.Sunga@usdoj.gov

Cc: Michelle Sparks michelle@hepburnlaw.net, Deborah Bianco deb@debbiancolaw.com, John Kawai Jk@czrlaw.com, Kotiya, Shailika (USACAN) Shailika.Kotiya@usdoj.gov



Hi Carol,

I will give you a call about this right now. Our agreement with Mr. Balogh hasn't changed since we last spoke: The government has agreed that he may give us a list of any discovery items he intends to produce, and we will, within a reasonable time, provide an appropriately redacted copy that he can produce to you.

As I may have mentioned to you in connection with our last series of emails, I am transferring to the Southern District of Ohio next month, and today is my last day in the office. Going forward, please contact Shailika if you have additional questions that aren't resolved during our phone call, because I won't have access to my email for about a month (until my first day in Ohio).

Julie

Julie D. Garcia

Tel: (415) 436-6758

Julie.Garcia@usdoj.gov

From: Carol Hepburn <carol@hepburnlaw.net>

Sent: Sunday, September 22, 2019 12:07 PM

To: Garcia, Julie (USACAN) <jgarcia3@usa.doj.gov>; Sunga, Maria (USACAN) <msunga@usa.doj.gov>

Cc: Michelle Sparks <michelle@hepburnlaw.net>; Deborah Bianco <deb@debbiancolaw.com>; John Kawai <Jk@czrlaw.com>

Subject: FW: "Amy," et al. v. Curtis

Julie

Please see the attached letter from Mr. Balogh which is his half of the joint letter going to judge Hamilton on our discovery disputes about revealing identity and taking the depositions of the victims. It contains representations about the conduct of the criminal case. I have to respond to this by Friday 9-27. I would very much appreciate talking with you early this week concerning this matter and by what process we can represent the government's position on the disclosure of the criminal discovery and what actually happened on the disclosure issue relative to restitution.

I am also pasting below (for convenience) the email I sent to you last week which I don't think I've seen a response to.

Tuesday I'm in a settlement conference with Magistrate Kim so not available at least for the morning. Otherwise I'm available Monday thru Wednesday except for a couple of hours Monday and Wednesday on the plane.

Thank you

Carol
206-498-8668

9-16-19
Hello Julie

John and I will be having a telephone conference with Ethan Balogh tomorrow morning and we will be asking him about disclosure of the criminal discovery. We have drafted a protective order for our civil case (not shared with Ethan yet) which incorporates both the NDCA standard criminal case protection order and the civil case protection order. I tried in the draft to be sensitive to the strictures you have had in the criminal case and carry those on in our case. I've attached a copy of our draft just FYI if it is of any interest or concern relative to what ever might be worked out between Ethan and the government about release of criminal discovery relating to our clients in the civil matter. I've never drafted one of these for such a case before so I have no pride of authorship if you read it and think we need to adjust it.

Can you share with us what the status of your agreement/lack of agreement is with Ethan about allowing in our civil discovery the release of information the defense received from the government? If I cannot get a consistent answer from him and ultimately the production of the documents relative to our clients then I will feel the need to bring the government or at least evidence of the government's position into our case before the court somehow. I'd like to do that in the least burdensome way possible.

Another alternative did occur to me based on a conversation I had in another case in another district. Can the victims make a §3509 request of the government for documentary evidence which relates only to them? One such item might be a redacted CVIP/ENCASE report. Because §3509 allows the victim access to the evidence on a par with the defense it would seem that as much of the investigative report which does not relate to people other than the defendant and victims other than those we represent should be disclosable.

Please let us know your thoughts on the path we might take which would be proper and yet the easiest.

Thanks much

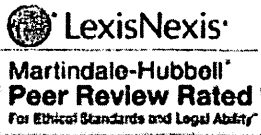
Carol

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From: "Ethan A. Balogh" <eab@colemanbalogh.com>

Date: Friday, September 20, 2019 at 1:52 PM

To: Carol Hepburn <carol@hepburnlaw.net>, Team3 <Team3@czrlaw.com>, Lady Luna <lluna@czrlaw.com>, Debbie Bianco <deb@debbiancolaw.com>, Michelle Sparks <michelle@hepburnlaw.net>, Veronica Stanwood <VStanwood@czrlaw.com>

Cc: Nara Sugino <nas@colemanbalogh.com>

Subject: "Amy," et al. v. Curtis

Counsel,

As agreed, attached please find our portion of the draft letter brief. We reference a short section of the sealed sentencing memorandum in the brief. We are happy to stipulate to releasing that section of the brief to you, without prejudice your ability to later seek broader unsealing of that brief and other sealed materials in the case. Our position is that we will agree to unsealing of the filings relating to your clients, but no more broadly than that. I don't think we need to add another dispute to the pile at the moment, so such a stipulation would let you respond to the sentence we cite to. Please let me know if you want to proceed that way or another.

Also, as you'll see, we've used two of our two and one half pages so far, to leave space for any response to your arguments. We look forward to getting your additions on or before next Friday.

Thank you. Happy Friday and wishes for good weekends to each of you.

EAB



From: Carol Hepburn carol@hepburnlaw.net
Subject: US v. Randall Curtis-- contact from Ethan Balogh re discovery
Date: October 29, 2019 at 10:42 PM
To: Kotiya, Shailika (USACAN) Shailika.Kotiya@usdoj.gov
Cc: Debbie Bianco deb@debbiancolaw.com, John Kawai Jk@czrlaw.com, Michelle Sparks michelle@hepburnlaw.net, Team3 Team3@czrlaw.com, James R. Marsh jamesmarsh@marsh.law

Hello Ms. Kotiya

We represent a number of the victims in this case and have a civil suit pending which I think you were advised of by Julie Garcia before she transferred. We have an issue with Mr. Balogh about discovery in our case and have asked him to produce the discovery he received in the criminal prosecution which relates to our clients. He has said he has been in contact with your office and requested a conference "to address amending the terms of the [criminal] protective order to permit disclosure to Plaintiffs." Ms. Garcia advised me, in the middle of September I believe, that the Government had determined that it was not necessary to amend the terms of the order, that rather the Government could agree with defendant on what would and would not be disclosed. We have yet to receive any documents from the defense.

Somehow the victims need to get this issue resolved and obtain the discovery that at least is agreeable to the Government. It is not our desire to make extra work for you and would like to resolve this as expeditiously as possible. Could you please advise what communications you or other AUSAs have had with defense counsel and if you have a particular suggestion for how we might move this forward.

For your information, the CP series involved are as follows:

Vicky
Marineland
Jan_Socks
Lighthouse
At School
Sweet Sugar
Misty
Jessica
Jenny
Pink Heart Sisters

Thanks very much

Carol Hepburn

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From: Kotiya, Shailika (USACAN) Shailika.Kotiya@usdoj.gov
Subject: RE: US v. Randall Curtis-- contact from Ethan Balogh re discovery
Date: October 30, 2019 at 11:20 AM
To: Carol Hepburn carol@hepburnlaw.net
Cc: Debbie Bianco deb@debbiancolaw.com, John Kawai Jk@czrlaw.com, Michelle Sparks michelle@hepburnlaw.net, Team3 Team3@czrlaw.com, James R. Marsh jamesmarsh@marsh.law



Carol,

I conferred with defense counsel and authorized the disclosure of these items yesterday. It took me a bit of time to review his request.

Shailika

Shailika S. Kotiya
Assistant U.S. Attorney
Deputy Chief, OCDETF
Tel: (415) 436-7443

From: Carol Hepburn <carol@hepburnlaw.net>
Sent: Tuesday, October 29, 2019 10:42 PM
To: Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>
Cc: Debbie Bianco <deb@debbiancolaw.com>; John Kawai <Jk@czrlaw.com>; Michelle Sparks <michelle@hepburnlaw.net>; Team3 <Team3@czrlaw.com>; James R. Marsh <jamesmarsh@marsh.law>
Subject: US v. Randall Curtis-- contact from Ethan Balogh re discovery

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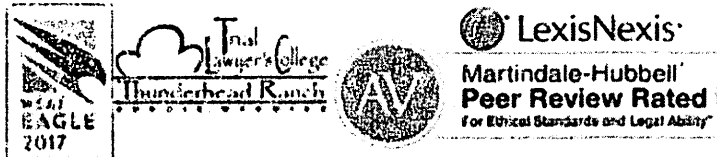
Lighthouse
At School
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Misty
Jessica
Jenny
Pink Heart Sisters

Thanks very much

Carol Hepburn

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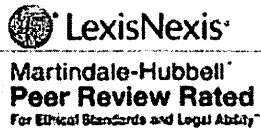
From: Carol Hepburn carol@hepburnlaw.net
Subject: Re: US v. Randall Curtis-- contact from: Ethan Balogh re discovery
Date: October 30, 2019 at 6:58 PM
To: Kotiya, Shailika (USACAN) Shailika.Kotiya@usdoj.gov
Cc: Debbie Bianco deb@debbiancolaw.com, John Kawai Jk@czrlaw.com, Michelle Sparks michelle@hepburnlaw.net, Team3 Team3@czrlaw.com, James R. Marsh jamesmarsh@marsh.law



Thanks so much for letting us know.

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Date: Wednesday, October 30, 2019 at 11:20 AM
To: Carol Hepburn <carol@hepburnlaw.net>
Cc: Debbie Bianco <deb@debbiancolaw.com>, John Kawai <Jk@czrlaw.com>, Michelle Sparks <michelle@hepburnlaw.net>, Team3 <Team3@czrlaw.com>, "James R. Marsh" <jamesmarsh@marsh.law>
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Shailika S. Kotiya

Assistant U.S. Attorney
Deputy Chief, OCDETF
Tel: (415) 436-7443

From: Carol Hepburn <carol@hepburnlaw.net>
Sent: Tuesday, October 29, 2019 10:42 PM
To: Kotiya, Shailika (USACAN) <skotiya@usa.doj.gov>
Cc: Debbie Bianco <deb@debbiancolaw.com>; John Kawai <Jk@czrlaw.com>; Michelle Sparks <michelle@hepburnlaw.net>; Team3 <Team3@czrlaw.com>; James R. Marsh <jamesmarsh@marsh.law>
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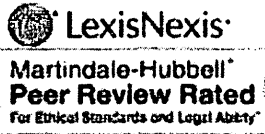
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Thanks very much

Carol Hepburn

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EXHIBIT F

CAROL L. HEPBURN, P.S.

ATTORNEYS AT LAW

January 24, 2018

CAROL L. HEPBURN
Attorney at Law

Licensed in Washington
and Oregon

J. WILLIAM SAVAGE
Attorney at Law,
Of Counsel

Licensed in Washington
and Oregon

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Paralegal

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PORTLAND, OREGON
97204
TELEPHONE:
(503) 222-0200
FACSIMILE:
(503) 248-0200

**VIA EMAIL TO shawn@shawnhalbertlaw.com
AND ORIGINAL VIA U.S. MAIL**

Shawn Halbert
214 Duboce Avenue
San Francisco, CA 94103

Re: Randail Steven Curtis
NDCA No.: 3:16-cr-00510-SI-1

Dear Mr. Halbert:

I am the attorney for the victims in the child pornography series known as Vicky, Marineland, At School, Sierra, Skylar and Sally of Jan_Socks, Maureen of Lighthouse and Pia of Sweet Sugar. Last year my clients received notices from the Department of Justice that your client possessed or distributed their child sex abuse images or videos.

Our firm is working in conjunction with the Marsh Law Firm whose principle, James R. Marsh, is licensed in the District of Columbia. Mr. Marsh represents the child pornography victims in the Misty, Jessica, Casseopia of Lighthouse, Erika and Tori of Pink Heart Sisters, and Jenny series and also received notices from the Department of Justice naming them as victims in the criminal case against Mr. Curtis.

Our firms are contemplating a civil law suit against your client under 18 U.S.C. 2255 and 18 U.S.C. 2252A(f). Under these federal civil damages statutes, our clients are each entitled to a minimum of \$150,000 in statutory damages plus litigation costs and attorney's fees. We are also entitled to punitive damages. Courts have been exceedingly generous in awarding civil remedies in our civil cases.

Under current law which is being strengthened in legislation currently pending in Congress (S. 2152 just passed the Senate unanimously last night and provides a number of enhancements for victims), our clients are entitled to receive \$150,000 in statutory damages without a showing of actual damages or losses. If your client appeals, we are ready and eager to litigate in the circuit court and if we prevail there, we will also seek attorney's fees. We have received attorney fees in similar appellate cases.

January 24, 2018
Page 2

We typically receive between \$150,000 and \$180,000 for each client in negotiated settlements in these cases and are confident we will obtain, after litigation and any successful appeal, a judgment for upwards of \$500,000+ in this case. Although we are ready, willing, and able to prosecute this civil action, we believe that it will benefit all sides to resolve this matter without litigation.

If I do not hear from you within fourteen (14) days from the date of this letter, we will assume that your client is not interested in reaching an amicable resolution of this matter.

Please advise if you no longer represent Mr. Curtis and forward this letter to your client or his current attorney.

Thank you in advance for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Carol L. Hepburn', with a long, sweeping horizontal line extending to the right.

Carol L. Hepburn

CLH:mds

Cc: James Marsh, attorneys for Misty, Jessica, Casseopia of Lighthouse, Erika and
Tori of Pink Heart Sisters, and Jenny
Debbie Bianco, Co-counsel for Maureen of Lighthouse and Pia of Sweet Sugar